

286.6 **ARTICLE 7**

286.7 **BACKGROUND STUDIES**

286.8 Section 1. Minnesota Statutes 2022, section 13.46, subdivision 4, is amended to read:

286.9 Subd. 4. **Licensing data.** (a) As used in this subdivision:

286.10 (1) "licensing data" are all data collected, maintained, used, or disseminated by the

286.11 welfare system pertaining to persons licensed or registered or who apply for licensure or

286.12 registration or who formerly were licensed or registered under the authority of the

286.13 commissioner of human services;

286.14 (2) "client" means a person who is receiving services from a licensee or from an applicant

286.15 for licensure; and

286.16 (3) "personal and personal financial data" are Social Security numbers, identity of and

286.17 letters of reference, insurance information, reports from the Bureau of Criminal

286.18 Apprehension, health examination reports, and social/home studies.

286.19 (b)(1)(i) Except as provided in paragraph (c), the following data on applicants, license

286.20 holders, and former licensees are public: name, address, telephone number of licensees,

286.21 date of receipt of a completed application, dates of licensure, licensed capacity, type of

286.22 client preferred, variances granted, record of training and education in child care and child

286.23 development, type of dwelling, name and relationship of other family members, previous

286.24 license history, class of license, the existence and status of complaints, and the number of

286.25 serious injuries to or deaths of individuals in the licensed program as reported to the

286.26 commissioner of human services, the local social services agency, or any other county

286.27 welfare agency. For purposes of this clause, a serious injury is one that is treated by a

286.28 physician.

286.29 (ii) Except as provided in item (v), when a correction order, an order to forfeit a fine,

286.30 an order of license suspension, an order of temporary immediate suspension, an order of

286.31 license revocation, an order of license denial, or an order of conditional license has been

286.32 issued, or a complaint is resolved, the following data on current and former licensees and

287.1 applicants are public: the general nature of the complaint or allegations leading to the

287.2 temporary immediate suspension; the substance and investigative findings of the licensing

287.3 or maltreatment complaint, licensing violation, or substantiated maltreatment; the existence

287.4 of settlement negotiations; the record of informal resolution of a licensing violation; orders

287.5 of hearing; findings of fact; conclusions of law; specifications of the final correction order,

287.6 fine, suspension, temporary immediate suspension, revocation, denial, or conditional license

287.7 contained in the record of licensing action; whether a fine has been paid; and the status of

287.8 any appeal of these actions.

287.9 (iii) When a license denial under section 245A.05 or a sanction under section 245A.07

287.10 is based on a determination that a license holder, applicant, or controlling individual is

287.11 responsible for maltreatment under section 626.557 or chapter 260E, the identity of the

343.11 **ARTICLE 6**

343.12 **BACKGROUND STUDIES**

287.12 applicant, license holder, or controlling individual as the individual responsible for
 287.13 maltreatment is public data at the time of the issuance of the license denial or sanction.

287.14 (iv) When a license denial under section 245A.05 or a sanction under section 245A.07
 287.15 is based on a determination that a license holder, applicant, or controlling individual is
 287.16 disqualified under chapter 245C, the identity of the license holder, applicant, or controlling
 287.17 individual as the disqualified individual and the reason for the disqualification are public
 287.18 data at the time of the issuance of the licensing sanction or denial. If the applicant, license
 287.19 holder, or controlling individual requests reconsideration of the disqualification and the
 287.20 disqualification is affirmed, the reason for the disqualification and the reason to not set aside
 287.21 the disqualification are public private data.

287.22 (v) A correction order or fine issued to a child care provider for a licensing violation is
 287.23 private data on individuals under section 13.02, subdivision 12, or nonpublic data under
 287.24 section 13.02, subdivision 9, if the correction order or fine is seven years old or older.

287.25 (2) For applicants who withdraw their application prior to licensure or denial of a license,
 287.26 the following data are public: the name of the applicant, the city and county in which the
 287.27 applicant was seeking licensure, the dates of the commissioner's receipt of the initial
 287.28 application and completed application, the type of license sought, and the date of withdrawal
 287.29 of the application.

287.30 (3) For applicants who are denied a license, the following data are public: the name and
 287.31 address of the applicant, the city and county in which the applicant was seeking licensure,
 287.32 the dates of the commissioner's receipt of the initial application and completed application,
 287.33 the type of license sought, the date of denial of the application, the nature of the basis for
 287.34 the denial, the existence of settlement negotiations, the record of informal resolution of a
 288.1 denial, orders of hearings, findings of fact, conclusions of law, specifications of the final
 288.2 order of denial, and the status of any appeal of the denial.

288.3 (4) When maltreatment is substantiated under section 626.557 or chapter 260E and the
 288.4 victim and the substantiated perpetrator are affiliated with a program licensed under chapter
 288.5 245A, the commissioner of human services, local social services agency, or county welfare
 288.6 agency may inform the license holder where the maltreatment occurred of the identity of
 288.7 the substantiated perpetrator and the victim.

288.8 (5) Notwithstanding clause (1), for child foster care, only the name of the license holder
 288.9 and the status of the license are public if the county attorney has requested that data otherwise
 288.10 classified as public data under clause (1) be considered private data based on the best interests
 288.11 of a child in placement in a licensed program.

288.12 (c) The following are private data on individuals under section 13.02, subdivision 12,
 288.13 or nonpublic data under section 13.02, subdivision 9: personal and personal financial data
 288.14 on family day care program and family foster care program applicants and licensees and
 288.15 their family members who provide services under the license.

288.16 (d) The following are private data on individuals: the identity of persons who have made
 288.17 reports concerning licensees or applicants that appear in inactive investigative data, and the
 288.18 records of clients or employees of the licensee or applicant for licensure whose records are
 288.19 received by the licensing agency for purposes of review or in anticipation of a contested
 288.20 matter. The names of reporters of complaints or alleged violations of licensing standards
 288.21 under chapters 245A, 245B, 245C, and 245D, and applicable rules and alleged maltreatment
 288.22 under section 626.557 and chapter 260E, are confidential data and may be disclosed only
 288.23 as provided in section 260E.21, subdivision 4; 260E.35; or 626.557, subdivision 12b.

288.24 (e) Data classified as private, confidential, nonpublic, or protected nonpublic under this
 288.25 subdivision become public data if submitted to a court or administrative law judge as part
 288.26 of a disciplinary proceeding in which there is a public hearing concerning a license which
 288.27 has been suspended, immediately suspended, revoked, or denied.

288.28 (f) Data generated in the course of licensing investigations that relate to an alleged
 288.29 violation of law are investigative data under subdivision 3.

288.30 (g) Data that are not public data collected, maintained, used, or disseminated under this
 288.31 subdivision that relate to or are derived from a report as defined in section 260E.03, or
 288.32 626.5572, subdivision 18, are subject to the destruction provisions of sections 260E.35,
 288.33 subdivision 6, and 626.557, subdivision 12b.

289.1 (h) Upon request, not public data collected, maintained, used, or disseminated under
 289.2 this subdivision that relate to or are derived from a report of substantiated maltreatment as
 289.3 defined in section 626.557 or chapter 260E may be exchanged with the Department of
 289.4 Health for purposes of completing background studies pursuant to section 144.057 and with
 289.5 the Department of Corrections for purposes of completing background studies pursuant to
 289.6 section 241.021.

289.7 (i) Data on individuals collected according to licensing activities under chapters 245A
 289.8 and 245C, data on individuals collected by the commissioner of human services according
 289.9 to investigations under section 626.557 and chapters 245A, 245B, 245C, 245D, and 260E
 289.10 may be shared with the Department of Human Rights, the Department of Health, the
 289.11 Department of Corrections, the ombudsman for mental health and developmental disabilities,
 289.12 and the individual's professional regulatory board when there is reason to believe that laws
 289.13 or standards under the jurisdiction of those agencies may have been violated or the
 289.14 information may otherwise be relevant to the board's regulatory jurisdiction. Background
 289.15 study data on an individual who is the subject of a background study under chapter 245C
 289.16 for a licensed service for which the commissioner of human services is the license holder
 289.17 may be shared with the commissioner and the commissioner's delegate by the licensing
 289.18 division. Unless otherwise specified in this chapter, the identity of a reporter of alleged
 289.19 maltreatment or licensing violations may not be disclosed.

289.20 (j) In addition to the notice of determinations required under sections 260E.24,
 289.21 subdivisions 5 and 7, and 260E.30, subdivision 6, paragraphs (b), (c), (d), (e), and (f), if the
 289.22 commissioner or the local social services agency has determined that an individual is a

289.23 substantiated perpetrator of maltreatment of a child based on sexual abuse, as defined in
289.24 section 260E.03, and the commissioner or local social services agency knows that the
289.25 individual is a person responsible for a child's care in another facility, the commissioner or
289.26 local social services agency shall notify the head of that facility of this determination. The
289.27 notification must include an explanation of the individual's available appeal rights and the
289.28 status of any appeal. If a notice is given under this paragraph, the government entity making
289.29 the notification shall provide a copy of the notice to the individual who is the subject of the
289.30 notice.

289.31 (k) All not public data collected, maintained, used, or disseminated under this subdivision
289.32 and subdivision 3 may be exchanged between the Department of Human Services, Licensing
289.33 Division, and the Department of Corrections for purposes of regulating services for which
289.34 the Department of Human Services and the Department of Corrections have regulatory
289.35 authority.

290.1 Sec. 2. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision to
290.2 read:

290.3 Subd. 7a. **Conservator.** "Conservator" has the meaning given in section 524.1-201,
290.4 clause (10), and includes proposed and current conservators.

290.5 Sec. 3. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision to
290.6 read:

290.7 Subd. 11f. **Guardian.** "Guardian" has the meaning given in section 524.1-201, clause
290.8 (27), and includes proposed and current guardians.

290.9 Sec. 4. Minnesota Statutes 2022, section 245C.02, subdivision 13e, is amended to read:

290.10 Subd. 13e. **NETStudy 2.0.** "NETStudy 2.0" means the commissioner's system that
290.11 replaces both NETStudy and the department's internal background study processing system.
290.12 NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by
290.13 improving the accuracy of background studies through fingerprint-based criminal record
290.14 checks and expanding the background studies to include a review of information from the
290.15 Minnesota Court Information System and the national crime information database. NETStudy
290.16 2.0 is also designed to increase efficiencies in and the speed of the hiring process by:

290.17 (1) providing access to and updates from public web-based data related to employment
290.18 eligibility;

290.19 (2) decreasing the need for repeat studies through electronic updates of background
290.20 study subjects' criminal records;

290.21 (3) supporting identity verification using subjects' Social Security numbers and
290.22 photographs;

290.23 (4) using electronic employer notifications; ~~and~~

343.13 Section 1. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision
343.14 to read:

343.15 Subd. 7a. **Conservator.** "Conservator" has the meaning given under section 524.1-201,
343.16 clause (10), and includes proposed and current conservators.

343.17 Sec. 2. Minnesota Statutes 2022, section 245C.02, is amended by adding a subdivision to
343.18 read:

343.19 Subd. 11f. **Guardian.** "Guardian" has the meaning given under section 524.1-201, clause
343.20 (27), and includes proposed and current guardians.

343.21 Sec. 3. Minnesota Statutes 2022, section 245C.02, subdivision 13e, is amended to read:

343.22 Subd. 13e. **NETStudy 2.0.** "NETStudy 2.0" means the commissioner's system that
343.23 replaces both NETStudy and the department's internal background study processing system.
343.24 NETStudy 2.0 is designed to enhance protection of children and vulnerable adults by
343.25 improving the accuracy of background studies through fingerprint-based criminal record
343.26 checks and expanding the background studies to include a review of information from the
343.27 Minnesota Court Information System and the national crime information database. NETStudy
343.28 2.0 is also designed to increase efficiencies in and the speed of the hiring process by:

343.29 (1) providing access to and updates from public web-based data related to employment
343.30 eligibility;

344.1 (2) decreasing the need for repeat studies through electronic updates of background
344.2 study subjects' criminal records;

344.3 (3) supporting identity verification using subjects' Social Security numbers and
344.4 photographs;

344.5 (4) using electronic employer notifications; ~~and~~

290.24 (5) issuing immediate verification of subjects' eligibility to provide services as more
 290.25 studies are completed under the NETStudy 2.0 system-; and

290.26 (6) providing electronic access to certain notices for entities and background study
 290.27 subjects.

290.28 Sec. 5. Minnesota Statutes 2022, section 245C.03, subdivision 1, is amended to read:

290.29 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background
 290.30 study on:

291.1 (1) the person or persons applying for a license;

291.2 (2) an individual age 13 and over living in the household where the licensed program
 291.3 will be provided who is not receiving licensed services from the program;

291.4 (3) current or prospective employees ~~or contractors~~ of the applicant or license holder
 291.5 who will have direct contact with persons served by the facility, agency, or program;

291.6 (4) volunteers or student volunteers who will have direct contact with persons served
 291.7 by the program to provide program services if the contact is not under the continuous, direct
 291.8 supervision by an individual listed in clause (1) or (3);

291.9 (5) an individual age ten to 12 living in the household where the licensed services will
 291.10 be provided when the commissioner has reasonable cause as defined in section 245C.02,
 291.11 subdivision 15;

291.12 (6) an individual who, without providing direct contact services at a licensed program,
 291.13 may have unsupervised access to children or vulnerable adults receiving services from a
 291.14 program, when the commissioner has reasonable cause as defined in section 245C.02,
 291.15 subdivision 15;

291.16 (7) all controlling individuals as defined in section 245A.02, subdivision 5a;

291.17 (8) notwithstanding the other requirements in this subdivision, child care background
 291.18 study subjects as defined in section 245C.02, subdivision 6a; and

291.19 (9) notwithstanding clause (3), for children's residential facilities and foster residence
 291.20 settings, any adult working in the facility, whether or not the individual will have direct
 291.21 contact with persons served by the facility.

291.22 (b) For child foster care when the license holder resides in the home where foster care
 291.23 services are provided, a short-term substitute caregiver providing direct contact services for
 291.24 a child for less than 72 hours of continuous care is not required to receive a background
 291.25 study under this chapter.

291.26 (c) This subdivision applies to the following programs that must be licensed under
 291.27 chapter 245A:

291.28 (1) adult foster care;

344.6 (5) issuing immediate verification of subjects' eligibility to provide services as more
 344.7 studies are completed under the NETStudy 2.0 system-; and

344.8 (6) providing electronic access to certain notices for entities and background study
 344.9 subjects.

344.10 Sec. 4. Minnesota Statutes 2022, section 245C.03, subdivision 1, is amended to read:

344.11 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background
 344.12 study on:

344.13 (1) the person or persons applying for a license;

344.14 (2) an individual age 13 and over living in the household where the licensed program
 344.15 will be provided who is not receiving licensed services from the program;

344.16 (3) current or prospective employees ~~or contractors~~ of the applicant who will have direct
 344.17 contact with persons served by the facility, agency, or program;

344.18 (4) volunteers or student volunteers who will have direct contact with persons served
 344.19 by the program to provide program services if the contact is not under the continuous, direct
 344.20 supervision by an individual listed in clause (1) or (3);

344.21 (5) an individual age ten to 12 living in the household where the licensed services will
 344.22 be provided when the commissioner has reasonable cause as defined in section 245C.02,
 344.23 subdivision 15;

344.24 (6) an individual who, without providing direct contact services at a licensed program,
 344.25 may have unsupervised access to children or vulnerable adults receiving services from a
 344.26 program, when the commissioner has reasonable cause as defined in section 245C.02,
 344.27 subdivision 15;

344.28 (7) all controlling individuals as defined in section 245A.02, subdivision 5a;

344.29 (8) notwithstanding the other requirements in this subdivision, child care background
 344.30 study subjects as defined in section 245C.02, subdivision 6a; and

345.1 (9) notwithstanding clause (3), for children's residential facilities and foster residence
 345.2 settings, any adult working in the facility, whether or not the individual will have direct
 345.3 contact with persons served by the facility.

345.4 (b) For child foster care when the license holder resides in the home where foster care
 345.5 services are provided, a short-term substitute caregiver providing direct contact services for
 345.6 a child for less than 72 hours of continuous care is not required to receive a background
 345.7 study under this chapter.

345.8 (c) This subdivision applies to the following programs that must be licensed under
 345.9 chapter 245A:

345.10 (1) adult foster care;

- 291.29 (2) child foster care;
- 291.30 (3) children's residential facilities;
- 291.31 (4) family child care;
- 292.1 (5) licensed child care centers;
- 292.2 (6) licensed home and community-based services under chapter 245D;
- 292.3 (7) residential mental health programs for adults;
- 292.4 (8) substance use disorder treatment programs under chapter 245G;
- 292.5 (9) withdrawal management programs under chapter 245F;
- 292.6 (10) adult day care centers;
- 292.7 (11) family adult day services;
- 292.8 (12) independent living assistance for youth;
- 292.9 (13) detoxification programs;
- 292.10 (14) community residential settings; ~~and~~
- 292.11 (15) intensive residential treatment services and residential crisis stabilization under
- 292.12 chapter 245I; and
- 292.13 (16) treatment programs for persons with sexual psychopathic personality or sexually
- 292.14 dangerous persons, licensed under chapter 245A and according to Minnesota Rules, parts
- 292.15 9515.3000 to 9515.3110.

- 345.11 (2) child foster care;
- 345.12 (3) children's residential facilities;
- 345.13 (4) family child care;
- 345.14 (5) licensed child care centers;
- 345.15 (6) licensed home and community-based services under chapter 245D;
- 345.16 (7) residential mental health programs for adults;
- 345.17 (8) substance use disorder treatment programs under chapter 245G;
- 345.18 (9) withdrawal management programs under chapter 245F;
- 345.19 (10) adult day care centers;
- 345.20 (11) family adult day services;
- 345.21 (12) independent living assistance for youth;
- 345.22 (13) detoxification programs;
- 345.23 (14) community residential settings; ~~and~~
- 345.24 (15) intensive residential treatment services and residential crisis stabilization under
- 345.25 chapter 245I; and
- 345.26 (16) treatment programs for persons with sexual psychopathic personality or sexually
- 345.27 dangerous persons, licensed under chapter 245A and according to Minnesota Rules, parts
- 345.28 9515.3000 to 9515.3110.

UES2995-2 ARTICLE 9, SECTION 18 ALSO AMENDS SECTION 245C.03, SUBD. 1, AND IS BELOW.

- 460.24 Sec. 18. Minnesota Statutes 2022, section 245C.03, subdivision 1, is amended to read:
- 460.25 Subdivision 1. **Licensed programs.** (a) The commissioner shall conduct a background
- 460.26 study on:
- 460.27 (1) the person or persons applying for a license;
- 460.28 (2) an individual age 13 and over living in the household where the licensed program
- 460.29 will be provided who is not receiving licensed services from the program;
- 461.1 (3) current or prospective employees or contractors of the applicant or license holder
- 461.2 who will have direct contact with persons served by the facility, agency, or program;
- 461.3 (4) volunteers or student volunteers who will have direct contact with persons served
- 461.4 by the program to provide program services if the contact is not under the continuous, direct
- 461.5 supervision by an individual listed in clause (1) or (3);

- 461.6 (5) an individual age ten to 12 living in the household where the licensed services will
461.7 be provided when the commissioner has reasonable cause as defined in section 245C.02,
461.8 subdivision 15;
- 461.9 (6) an individual who, without providing direct contact services at a licensed program,
461.10 may have unsupervised access to children or vulnerable adults receiving services from a
461.11 program, when the commissioner has reasonable cause as defined in section 245C.02,
461.12 subdivision 15;
- 461.13 (7) all controlling individuals as defined in section 245A.02, subdivision 5a;
- 461.14 (8) notwithstanding the other requirements in this subdivision, child care background
461.15 study subjects as defined in section 245C.02, subdivision 6a; and
- 461.16 (9) notwithstanding clause (3), for children's residential facilities and foster residence
461.17 settings, any adult working in the facility, whether or not the individual will have direct
461.18 contact with persons served by the facility.
- 461.19 (b) For child foster care when the license holder resides in the home where foster care
461.20 services are provided, a short-term substitute caregiver providing direct contact services for
461.21 a child for less than 72 hours of continuous care is not required to receive a background
461.22 study under this chapter.
- 461.23 (c) This subdivision applies to the following programs that must be licensed under
461.24 chapter 245A:
- 461.25 (1) adult foster care;
- 461.26 (2) child foster care;
- 461.27 (3) children's residential facilities;
- 461.28 (4) family child care;
- 461.29 (5) licensed child care centers;
- 461.30 (6) licensed home and community-based services under chapter 245D;
- 461.31 (7) residential mental health programs for adults;
- 462.1 (8) substance use disorder treatment programs under chapter 245G;
- 462.2 (9) withdrawal management programs under chapter 245F;
- 462.3 (10) adult day care centers;
- 462.4 (11) family adult day services;
- 462.5 ~~(12) independent living assistance for youth;~~
- 462.6 ~~(13)~~ (12) detoxification programs;

292.16 Sec. 6. Minnesota Statutes 2022, section 245C.03, subdivision 1a, is amended to read:

292.17 Subd. 1a. **Procedure.** (a) Individuals and organizations that are required under this

292.18 section to have or initiate background studies shall comply with the requirements of this

292.19 chapter.

292.20 (b) All studies conducted under this section shall be conducted according to sections

292.21 299C.60 to 299C.64. This requirement does not apply to subdivisions 1, paragraph (c),

292.22 clauses (2) to (5), and 6a.

292.23 (c) All data obtained by the commissioner for a background study completed under this

292.24 section is classified as private data on individuals, as defined in section 13.02, subdivision

292.25 9.

292.26 Sec. 7. Minnesota Statutes 2022, section 245C.031, subdivision 1, is amended to read:

292.27 Subdivision 1. **Alternative background studies.** (a) The commissioner shall conduct

292.28 an alternative background study of individuals listed in this section.

293.1 (b) Notwithstanding other sections of this chapter, all alternative background studies

293.2 except subdivision 12 shall be conducted according to this section and with sections 299C.60

293.3 to 299C.64.

293.4 (c) All terms in this section shall have the definitions provided in section 245C.02.

293.5 (d) The entity that submits an alternative background study request under this section

293.6 shall submit the request to the commissioner according to section 245C.05.

293.7 (e) The commissioner shall comply with the destruction requirements in section 245C.051.

293.8 (f) Background studies conducted under this section are subject to the provisions of

293.9 section 245C.32.

293.10 (g) The commissioner shall forward all information that the commissioner receives under

293.11 section 245C.08 to the entity that submitted the alternative background study request under

293.12 subdivision 2. The commissioner shall not make any eligibility determinations regarding

293.13 background studies conducted under this section.

293.14 (h) All data obtained by the commissioner for a background study completed under this

293.15 section is classified as private data on individuals, as defined in section 13.02, subdivision

293.16 9.

462.7 ~~(14)~~ (13) community residential settings; and

462.8 ~~(15)~~ (14) intensive residential treatment services and residential crisis stabilization under

462.9 chapter 245I.

462.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

293.17 Sec. 8. [245C.033] GUARDIANS AND CONSERVATORS; MALTREATMENT
293.18 AND STATE LICENSING AGENCY CHECKS.

293.19 Subdivision 1. **Maltreatment data.** Requests for maltreatment data submitted pursuant
293.20 to section 524.5-118 must include information regarding whether the guardian or conservator
293.21 has been a perpetrator of substantiated maltreatment of a vulnerable adult under section
293.22 626.557 or a minor under chapter 260E. If the guardian or conservator has been the
293.23 perpetrator of substantiated maltreatment of a vulnerable adult or a minor, the commissioner
293.24 must include a copy of any available public portion of the investigation memorandum under
293.25 section 626.557, subdivision 12b, or any available public portion of the investigation
293.26 memorandum under section 260E.30.

293.27 Subd. 2. **State licensing agency data.** (a) Requests for state licensing agency data
293.28 submitted pursuant to section 524.5-118 **must** include information from a check of state
293.29 licensing agency records.

293.30 (b) The commissioner shall provide the court with licensing agency data for licenses
293.31 directly related to the responsibilities of a guardian or conservator if the guardian or
293.32 conservator has a current or prior affiliation with the:

294.1 (1) Lawyers Responsibility Board;

294.2 (2) State Board of Accountancy;

294.3 (3) Board of Social Work;

294.4 (4) Board of Psychology;

294.5 (5) Board of Nursing;

294.6 (6) Board of Medical Practice;

294.7 (7) Department of Education;

294.8 (8) Department of Commerce;

294.9 (9) Board of Chiropractic Examiners;

294.10 (10) Board of Dentistry;

294.11 (11) Board of Marriage and Family Therapy;

294.12 (12) Department of Human Services;

294.13 (13) Peace Officer Standards and Training (POST) Board; and

294.14 (14) Professional Educator Licensing and Standards Board.

294.15 (c) The commissioner shall provide to the court the electronically available data
294.16 maintained in the agency's database, including whether the guardian or conservator is or
294.17 has been licensed by the agency and whether a disciplinary action or a sanction against the

346.1 Sec. 5. [245C.033] GUARDIANS AND CONSERVATORS; MALTREATMENT
346.2 AND STATE LICENSING AGENCY CHECKS.

346.3 Subdivision 1. **Maltreatment data.** Requests for maltreatment data submitted pursuant
346.4 to section 524.5-118 must include information regarding whether the guardian or conservator
346.5 has been a perpetrator of substantiated maltreatment of a vulnerable adult under section
346.6 626.557 or a minor under chapter 260E. If the guardian or conservator has been the
346.7 perpetrator of substantiated maltreatment of a vulnerable adult or a minor, the commissioner
346.8 must include a copy of any available public portion of the investigation memorandum under
346.9 section 626.557, subdivision 12b, or any available public portion of the investigation
346.10 memorandum under section 260E.30.

346.11 Subd. 2. **State licensing agency data.** (a) Requests for state licensing agency data
346.12 submitted pursuant to section 524.5-118 **shall** include information from a check of state
346.13 licensing agency records.

346.14 (b) The commissioner shall provide the court with licensing agency data for licenses
346.15 directly related to the responsibilities of a guardian or conservator if the guardian or
346.16 conservator has a current or prior affiliation with the:

346.17 (1) Lawyers Responsibility Board;

346.18 (2) State Board of Accountancy;

346.19 (3) Board of Social Work;

346.20 (4) Board of Psychology;

346.21 (5) Board of Nursing;

346.22 (6) Board of Medical Practice;

346.23 (7) Department of Education;

346.24 (8) Department of Commerce;

346.25 (9) Board of Chiropractic Examiners;

346.26 (10) Board of Dentistry;

346.27 (11) Board of Marriage and Family Therapy;

346.28 (12) Department of Human Services;

346.29 (13) Peace Officer Standards and Training (POST) Board; or

346.30 (14) Professional Educator Licensing and Standards Board.

347.1 (c) The commissioner shall provide to the court the electronically available data
347.2 maintained in the agency's database, including whether the guardian or conservator is or
347.3 has been licensed by the agency and whether a disciplinary action or a sanction against the

294.18 individual's license, including a condition, suspension, revocation, or cancellation, is in the
294.19 licensing agency's database.

294.20 Subd. 3. **Procedure; maltreatment and state licensing agency data.** Requests for
294.21 maltreatment and state licensing agency data checks must be submitted by the guardian or
294.22 conservator to the commissioner on the form or in the manner prescribed by the
294.23 commissioner. Upon receipt of a signed informed consent and payment under section
294.24 245C.10, the commissioner shall complete the maltreatment and state licensing agency
294.25 checks. Upon completion of the checks, the commissioner shall provide the requested
294.26 information to the courts on the form or in the manner prescribed by the commissioner.

294.27 Subd. 4. **Classification of maltreatment and state licensing agency data; access to**
294.28 **information.** All data obtained by the commissioner for maltreatment and state licensing
294.29 agency checks completed under this section is classified as private data on individuals, as
294.30 defined in section 13.02, subdivision 9.

295.1 Sec. 9. Minnesota Statutes 2022, section 245C.04, subdivision 1, is amended to read:

295.2 Subdivision 1. **Licensed programs; other child care programs.** (a) The commissioner
295.3 shall conduct a background study of an individual required to be studied under section
295.4 245C.03, subdivision 1, at least upon application for initial license for all license types.

295.5 (b) The commissioner shall conduct a background study of an individual required to be
295.6 studied under section 245C.03, subdivision 1, including a child care background study
295.7 subject as defined in section 245C.02, subdivision 6a, in a family child care program, licensed
295.8 child care center, certified license-exempt child care center, or legal nonlicensed child care
295.9 provider, on a schedule determined by the commissioner. Except as provided in section
295.10 245C.05, subdivision 5a, a child care background study must include submission of
295.11 fingerprints for a national criminal history record check and a review of the information
295.12 under section 245C.08. A background study for a child care program must be repeated
295.13 within five years from the most recent study conducted under this paragraph.

295.14 (c) At reauthorization or when a new background study is needed under section 119B.125,
295.15 subdivision 1a, for a legal nonlicensed child care provider authorized under chapter 119B,
295.16 the individual shall provide information required under section 245C.05, subdivision 1,
295.17 paragraphs (a), (b), and (d), to the commissioner and be fingerprinted and photographed
295.18 under section 245C.05, subdivision 5. The commissioner shall verify the information received
295.19 under this paragraph and submit the request in NETStudy 2.0 to complete the background
295.20 study.

295.21 ~~(c)~~ (d) At reapplication for a family child care license:

347.4 individual's license, including a condition, suspension, revocation, or cancellation, is in the
347.5 licensing agency's database.

347.6 Subd. 3. **Procedure; maltreatment and state licensing agency data.** Requests for
347.7 maltreatment and state licensing agency data checks must be submitted by the guardian or
347.8 conservator to the commissioner on the form or in the manner prescribed by the
347.9 commissioner. Upon receipt of a signed informed consent and payment under section
347.10 245C.10, the commissioner shall complete the maltreatment and state licensing agency
347.11 checks. Upon completion of the checks, the commissioner shall provide the requested
347.12 information to the courts on the form or in the manner prescribed by the commissioner.

347.13 Subd. 4. **Classification of maltreatment and state licensing agency data; access to**
347.14 **information.** All data obtained by the commissioner for maltreatment and state licensing
347.15 agency checks completed under this section are classified as private data.

THE FOLLOWING SECTION WAS TAKEN OUT OF H0238-3 ARTICLE 1.
H0238-3

24.21 Sec. 28. Minnesota Statutes 2022, section 245C.04, subdivision 1, is amended to read:

24.22 Subdivision 1. **Licensed programs; other child care programs.** (a) The commissioner
24.23 shall conduct a background study of an individual required to be studied under section
24.24 245C.03, subdivision 1, at least upon application for initial license for all license types.

24.25 (b) The commissioner shall conduct a background study of an individual required to be
24.26 studied under section 245C.03, subdivision 1, including a child care background study
24.27 subject as defined in section 245C.02, subdivision 6a, in a family child care program, licensed
24.28 child care center, certified license-exempt child care center, or legal nonlicensed child care
24.29 provider, on a schedule determined by the commissioner. Except as provided in section
24.30 245C.05, subdivision 5a, a child care background study must include submission of
24.31 fingerprints for a national criminal history record check and a review of the information
25.1 under section 245C.08. A background study for a child care program must be repeated
25.2 within five years from the most recent study conducted under this paragraph.

25.3 (c) At reauthorization or when a new background study is needed under section 119B.125,
25.4 subdivision 1a, for a legal nonlicensed child care provider authorized under chapter 119B;

25.5 (1) for a background study affiliated with a legal nonlicensed child care provider, the
25.6 individual shall provide information required under section 245C.05, subdivision 1,
25.7 paragraphs (a), (b), and (d), to the commissioner and be fingerprinted and photographed
25.8 under section 245C.05, subdivision 5; and

25.9 (2) the commissioner shall verify the information received under clause (1) and submit
25.10 the request in NETStudy 2.0 to complete the background study.

25.11 ~~(c)~~ (d) At reapplication for a family child care license:

295.22 (1) for a background study affiliated with a licensed family child care center ~~or legal~~
 295.23 ~~nonlicensed child care provider~~, the individual shall provide information required under
 295.24 section 245C.05, subdivision 1, paragraphs (a), (b), and (d), to the county agency, and be
 295.25 fingerprinted and photographed under section 245C.05, subdivision 5;

295.26 (2) the county agency shall verify the information received under clause (1) and forward
 295.27 the information to the commissioner and submit the request in NETStudy 2.0 to complete
 295.28 the background study; and

295.29 (3) the background study conducted by the commissioner under this paragraph must
 295.30 include a review of the information required under section 245C.08.

295.31 ~~(d)~~ (e) The commissioner is not required to conduct a study of an individual at the time
 295.32 of reapplication for a license if the individual's background study was completed by the
 295.33 commissioner of human services and the following conditions are met:

296.1 (1) a study of the individual was conducted either at the time of initial licensure or when
 296.2 the individual became affiliated with the license holder;

296.3 (2) the individual has been continuously affiliated with the license holder since the last
 296.4 study was conducted; and

296.5 (3) the last study of the individual was conducted on or after October 1, 1995.

296.6 ~~(e)~~ (f) The commissioner of human services shall conduct a background study of an
 296.7 individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6),
 296.8 who is newly affiliated with a child foster family setting license holder:

296.9 (1) the county or private agency shall collect and forward to the commissioner the
 296.10 information required under section 245C.05, subdivisions 1 and 5, when the child foster
 296.11 family setting applicant or license holder resides in the home where child foster care services
 296.12 are provided; and

296.13 (2) the background study conducted by the commissioner of human services under this
 296.14 paragraph must include a review of the information required under section 245C.08,
 296.15 subdivisions 1, 3, and 4.

296.16 ~~(f)~~ (g) The commissioner shall conduct a background study of an individual specified
 296.17 under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly affiliated
 296.18 with an adult foster care or family adult day services and with a family child care license
 296.19 holder or a legal nonlicensed child care provider authorized under chapter 119B and:

296.20 (1) except as provided in section 245C.05, subdivision 5a, the county shall collect and
 296.21 forward to the commissioner the information required under section 245C.05, subdivision
 296.22 1, paragraphs (a) and (b), and subdivision 5, paragraph (b), for background studies conducted
 296.23 by the commissioner for all family adult day services, for adult foster care when the adult
 296.24 foster care license holder resides in the adult foster care residence, and for family child care
 296.25 and legal nonlicensed child care authorized under chapter 119B;

25.12 (1) for a background study affiliated with a licensed family child care center ~~or legal~~
 25.13 ~~nonlicensed child care provider~~, the individual shall provide information required under
 25.14 section 245C.05, subdivision 1, paragraphs (a), (b), and (d), to the county agency, and be
 25.15 fingerprinted and photographed under section 245C.05, subdivision 5;

25.16 (2) the county agency shall verify the information received under clause (1) and forward
 25.17 the information to the commissioner and submit the request in NETStudy 2.0 to complete
 25.18 the background study; and

25.19 (3) the background study conducted by the commissioner under this paragraph must
 25.20 include a review of the information required under section 245C.08.

25.21 ~~(d)~~ (e) The commissioner is not required to conduct a study of an individual at the time
 25.22 of reapplication for a license if the individual's background study was completed by the
 25.23 commissioner of human services and the following conditions are met:

25.24 (1) a study of the individual was conducted either at the time of initial licensure or when
 25.25 the individual became affiliated with the license holder;

25.26 (2) the individual has been continuously affiliated with the license holder since the last
 25.27 study was conducted; and

25.28 (3) the last study of the individual was conducted on or after October 1, 1995.

25.29 ~~(e)~~ (f) The commissioner of human services shall conduct a background study of an
 25.30 individual specified under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6),
 25.31 who is newly affiliated with a child foster family setting license holder:

26.1 (1) the county or private agency shall collect and forward to the commissioner the
 26.2 information required under section 245C.05, subdivisions 1 and 5, when the child foster
 26.3 family setting applicant or license holder resides in the home where child foster care services
 26.4 are provided; and

26.5 (2) the background study conducted by the commissioner of human services under this
 26.6 paragraph must include a review of the information required under section 245C.08,
 26.7 subdivisions 1, 3, and 4.

26.8 ~~(f)~~ (g) The commissioner shall conduct a background study of an individual specified
 26.9 under section 245C.03, subdivision 1, paragraph (a), clauses (2) to (6), who is newly affiliated
 26.10 with an adult foster care or family adult day services and with a family child care license
 26.11 holder or a legal nonlicensed child care provider authorized under chapter 119B and:

26.12 (1) except as provided in section 245C.05, subdivision 5a, the county shall collect and
 26.13 forward to the commissioner the information required under section 245C.05, subdivision
 26.14 1, paragraphs (a) and (b), and subdivision 5, paragraph (b), for background studies conducted
 26.15 by the commissioner for all family adult day services, for adult foster care when the adult
 26.16 foster care license holder resides in the adult foster care residence, and for family child care
 26.17 and legal nonlicensed child care authorized under chapter 119B;

296.26 (2) the license holder shall collect and forward to the commissioner the information
 296.27 required under section 245C.05, subdivisions 1, paragraphs (a) and (b); and 5, paragraphs
 296.28 (a) and (b), for background studies conducted by the commissioner for adult foster care
 296.29 when the license holder does not reside in the adult foster care residence; and

296.30 (3) the background study conducted by the commissioner under this paragraph must
 296.31 include a review of the information required under section 245C.08, subdivision 1, paragraph
 296.32 (a), and subdivisions 3 and 4.

297.1 ~~(g)~~ (h) Applicants for licensure, license holders, and other entities as provided in this
 297.2 chapter must submit completed background study requests to the commissioner using the
 297.3 electronic system known as NETStudy before individuals specified in section 245C.03,
 297.4 subdivision 1, begin positions allowing direct contact in any licensed program.

297.5 ~~(h)~~ (i) For an individual who is not on the entity's active roster, the entity must initiate
 297.6 a new background study through NETStudy when:

297.7 (1) an individual returns to a position requiring a background study following an absence
 297.8 of 120 or more consecutive days; or

297.9 (2) a program that discontinued providing licensed direct contact services for 120 or
 297.10 more consecutive days begins to provide direct contact licensed services again.

297.11 The license holder shall maintain a copy of the notification provided to the commissioner
 297.12 under this paragraph in the program's files. If the individual's disqualification was previously
 297.13 set aside for the license holder's program and the new background study results in no new
 297.14 information that indicates the individual may pose a risk of harm to persons receiving
 297.15 services from the license holder, the previous set-aside shall remain in effect.

297.16 ~~(i)~~ (j) For purposes of this section, a physician licensed under chapter 147, advanced
 297.17 practice registered nurse licensed under chapter 148, or physician assistant licensed under
 297.18 chapter 147A is considered to be continuously affiliated upon the license holder's receipt
 297.19 from the commissioner of health or human services of the physician's, advanced practice
 297.20 registered nurse's, or physician assistant's background study results.

297.21 ~~(j)~~ (k) For purposes of family child care, a substitute caregiver must receive repeat
 297.22 background studies at the time of each license renewal.

297.23 ~~(k)~~ (l) A repeat background study at the time of license renewal is not required if the
 297.24 family child care substitute caregiver's background study was completed by the commissioner
 297.25 on or after October 1, 2017, and the substitute caregiver is on the license holder's active
 297.26 roster in NETStudy 2.0.

297.27 ~~(l)~~ (m) Before and after school programs authorized under chapter 119B, are exempt
 297.28 from the background study requirements under section 123B.03, for an employee for whom
 297.29 a background study under this chapter has been completed.

26.18 (2) the license holder shall collect and forward to the commissioner the information
 26.19 required under section 245C.05, subdivisions 1, paragraphs (a) and (b); and 5, paragraphs
 26.20 (a) and (b), for background studies conducted by the commissioner for adult foster care
 26.21 when the license holder does not reside in the adult foster care residence; and

26.22 (3) the background study conducted by the commissioner under this paragraph must
 26.23 include a review of the information required under section 245C.08, subdivision 1, paragraph
 26.24 (a), and subdivisions 3 and 4.

26.25 ~~(g)~~ (h) Applicants for licensure, license holders, and other entities as provided in this
 26.26 chapter must submit completed background study requests to the commissioner using the
 26.27 electronic system known as NETStudy before individuals specified in section 245C.03,
 26.28 subdivision 1, begin positions allowing direct contact in any licensed program.

26.29 ~~(h)~~ (i) For an individual who is not on the entity's active roster, the entity must initiate
 26.30 a new background study through NETStudy when:

26.31 (1) an individual returns to a position requiring a background study following an absence
 26.32 of 120 or more consecutive days; or

27.1 (2) a program that discontinued providing licensed direct contact services for 120 or
 27.2 more consecutive days begins to provide direct contact licensed services again.

27.3 The license holder shall maintain a copy of the notification provided to the commissioner
 27.4 under this paragraph in the program's files. If the individual's disqualification was previously
 27.5 set aside for the license holder's program and the new background study results in no new
 27.6 information that indicates the individual may pose a risk of harm to persons receiving
 27.7 services from the license holder, the previous set-aside shall remain in effect.

27.8 ~~(i)~~ (j) For purposes of this section, a physician licensed under chapter 147, advanced
 27.9 practice registered nurse licensed under chapter 148, or physician assistant licensed under
 27.10 chapter 147A is considered to be continuously affiliated upon the license holder's receipt
 27.11 from the commissioner of health or human services of the physician's, advanced practice
 27.12 registered nurse's, or physician assistant's background study results.

27.13 ~~(j)~~ (k) For purposes of family child care, a substitute caregiver must receive repeat
 27.14 background studies at the time of each license renewal.

27.15 ~~(k)~~ (l) A repeat background study at the time of license renewal is not required if the
 27.16 family child care substitute caregiver's background study was completed by the commissioner
 27.17 on or after October 1, 2017, and the substitute caregiver is on the license holder's active
 27.18 roster in NETStudy 2.0.

27.19 ~~(l)~~ (m) Before and after school programs authorized under chapter 119B, are exempt
 27.20 from the background study requirements under section 123B.03, for an employee for whom
 27.21 a background study under this chapter has been completed.

297.30 **EFFECTIVE DATE.** This section is effective April 28, 2025.

298.1 Sec. 10. Minnesota Statutes 2022, section 245C.05, subdivision 1, is amended to read:

298.2 Subdivision 1. **Individual studied.** (a) The individual who is the subject of the
298.3 background study must provide the applicant, license holder, or other entity under section
298.4 245C.04 with sufficient information to ensure an accurate study, including:

298.5 (1) the individual's first, middle, and last name and all other names by which the
298.6 individual has been known;

298.7 (2) current home address, city, and state of residence;

298.8 (3) current zip code;

298.9 (4) sex;

298.10 (5) date of birth;

298.11 (6) driver's license number or state identification number; and

298.12 (7) upon implementation of NETStudy 2.0, the home address, city, county, and state of
298.13 residence for the past five years.

298.14 (b) Every subject of a background study conducted or initiated by counties or private
298.15 agencies under this chapter must also provide the home address, city, county, and state of
298.16 residence for the past five years.

298.17 (c) Every subject of a background study related to private agency adoptions or related
298.18 to child foster care licensed through a private agency, who is 18 years of age or older, shall
298.19 also provide the commissioner a signed consent for the release of any information received
298.20 from national crime information databases to the private agency that initiated the background
298.21 study.

298.22 (d) The subject of a background study shall provide fingerprints and a photograph as
298.23 required in subdivision 5.

298.24 (e) The subject of a background study shall submit a completed criminal and maltreatment
298.25 history records check consent form and criminal history disclosure form for applicable
298.26 national and state level record checks.

298.27 (f) A background study subject who has access to the NETStudy 2.0 applicant portal
298.28 must provide updated contact information to the commissioner via NETStudy 2.0 any time
298.29 the subject's personal information changes for as long as they remain affiliated on any roster.

27.22 **EFFECTIVE DATE.** This section is effective April 28, 2025.

UES2995-2

347.16 Sec. 6. Minnesota Statutes 2022, section 245C.05, subdivision 1, is amended to read:

347.17 Subdivision 1. **Individual studied.** (a) The individual who is the subject of the
347.18 background study must provide the applicant, license holder, or other entity under section
347.19 245C.04 with sufficient information to ensure an accurate study, including:

347.20 (1) the individual's first, middle, and last name and all other names by which the
347.21 individual has been known;

347.22 (2) current home address, city, and state of residence;

347.23 (3) current zip code;

347.24 (4) sex;

347.25 (5) date of birth;

347.26 (6) driver's license number or state identification number; and

347.27 (7) upon implementation of NETStudy 2.0, the home address, city, county, and state of
347.28 residence for the past five years.

347.29 (b) Every subject of a background study conducted or initiated by counties or private
347.30 agencies under this chapter must also provide the home address, city, county, and state of
347.31 residence for the past five years.

348.1 (c) Every subject of a background study related to private agency adoptions or related
348.2 to child foster care licensed through a private agency, who is 18 years of age or older, shall
348.3 also provide the commissioner a signed consent for the release of any information received
348.4 from national crime information databases to the private agency that initiated the background
348.5 study.

348.6 (d) The subject of a background study shall provide fingerprints and a photograph as
348.7 required in subdivision 5.

348.8 (e) The subject of a background study shall submit a completed criminal and maltreatment
348.9 history records check consent form for applicable national and state level record checks.

348.10 (f) A background study subject who has access to the NETStudy 2.0 applicant portal
348.11 must provide updated contact information to the commissioner via NETStudy 2.0 any time
348.12 their personal information changes for as long as they remain affiliated on any roster.

299.1 (g) An entity must update contact information in NETStudy 2.0 for a background study
299.2 subject on the entity's roster any time the entity receives new contact information from the
299.3 study subject.

348.13 (g) An entity must update contact information in NETStudy 2.0 for a background study
348.14 subject on the entity's roster any time the entity receives new contact information from the
348.15 study subject.

UES2995-2 ARTICLE 9, SECTION 25 ALSO AMENDS SECTION 245C.05,
SUBD. 1, AND IS BELOW.

466.1 Sec. 25. Minnesota Statutes 2022, section 245C.05, subdivision 1, is amended to read:

466.2 Subdivision 1. **Individual studied.** (a) The individual who is the subject of the
466.3 background study must provide the applicant, license holder, or other entity under section
466.4 245C.04 with sufficient information to ensure an accurate study, including:

466.5 (1) the individual's first, middle, and last name and all other names by which the
466.6 individual has been known;

466.7 (2) current home address, city, and state of residence;

466.8 (3) current zip code;

466.9 (4) sex;

466.10 (5) date of birth;

466.11 (6) driver's license number or state identification number or, for those without a driver's
466.12 license or state identification card, an acceptable form of identification as determined by
466.13 the commissioner; and

466.14 (7) upon implementation of NETStudy 2.0, the home address, city, county, and state of
466.15 residence for the past five years.

466.16 (b) Every subject of a background study conducted or initiated by counties or private
466.17 agencies under this chapter must also provide the home address, city, county, and state of
466.18 residence for the past five years.

466.19 (c) Every subject of a background study related to private agency adoptions or related
466.20 to child foster care licensed through a private agency, who is 18 years of age or older, shall
466.21 also provide the commissioner a signed consent for the release of any information received
466.22 from national crime information databases to the private agency that initiated the background
466.23 study.

466.24 (d) The subject of a background study shall provide fingerprints and a photograph as
466.25 required in subdivision 5.

466.26 (e) The subject of a background study shall submit a completed criminal and maltreatment
466.27 history records check consent form and criminal history disclosure form for applicable
466.28 national and state level record checks.

299.4 Sec. 11. Minnesota Statutes 2022, section 245C.05, subdivision 2c, is amended to read:

299.5 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each

299.6 background study, the entity initiating the study must provide the commissioner's privacy

299.7 notice to the background study subject required under section 13.04, subdivision 2. The

299.8 notice must be available through the commissioner's electronic NETStudy and NETStudy

299.9 2.0 systems and shall include the information in paragraphs (b) and (c).

299.10 (b) The background study subject shall be informed that any previous background studies

299.11 that received a set-aside will be reviewed, and without further contact with the background

299.12 study subject, the commissioner may notify the agency that initiated the subsequent

299.13 background study;

299.14 ~~(1) that the individual has a disqualification that has been set aside for the program or~~

299.15 ~~agency that initiated the study;~~

299.16 ~~(2) the reason for the disqualification; and~~

299.17 ~~(3) that information about the decision to set aside the disqualification will be available~~

299.18 ~~to the license holder upon request without the consent of the background study subject.~~

299.19 (c) The background study subject must also be informed that:

299.20 (1) the subject's fingerprints collected for purposes of completing the background study

299.21 under this chapter must not be retained by the Department of Public Safety, Bureau of

299.22 Criminal Apprehension, or by the commissioner. The Federal Bureau of Investigation will

299.23 not retain background study subjects' fingerprints;

299.24 (2) effective upon implementation of NETStudy 2.0, the subject's photographic image

299.25 will be retained by the commissioner, and if the subject has provided the subject's Social

299.26 Security number for purposes of the background study, the photographic image will be

299.27 available to prospective employers and agencies initiating background studies under this

299.28 chapter to verify the identity of the subject of the background study;

299.29 (3) the authorized fingerprint collection vendor or vendors shall, for purposes of verifying

299.30 the identity of the background study subject, be able to view the identifying information

299.31 entered into NETStudy 2.0 by the entity that initiated the background study, but shall not

299.32 retain the subject's fingerprints, photograph, or information from NETStudy 2.0. The

300.1 authorized fingerprint collection vendor or vendors shall retain no more than the subject's

300.2 name and the date and time the subject's fingerprints were recorded and sent, only as

300.3 necessary for auditing and billing activities;

300.4 (4) the commissioner shall provide the subject notice, as required in section 245C.17,

300.5 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

300.6 (5) the subject may request in writing a report listing the entities that initiated a

300.7 background study on the individual as provided in section 245C.17, subdivision 1, paragraph

300.8 (b);

300.9 (6) the subject may request in writing that information used to complete the individual's
300.10 background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051,
300.11 paragraph (a), are met; and

300.12 (7) notwithstanding clause (6), the commissioner shall destroy:

300.13 (i) the subject's photograph after a period of two years when the requirements of section
300.14 245C.051, paragraph (c), are met; and

300.15 (ii) any data collected on a subject under this chapter after a period of two years following
300.16 the individual's death as provided in section 245C.051, paragraph (d).

300.17 Sec. 12. Minnesota Statutes 2022, section 245C.05, subdivision 4, is amended to read:

300.18 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the
300.19 Department of Human Services, the commissioner shall implement a secure system for the
300.20 electronic transmission of:

300.21 (1) background study information to the commissioner;

300.22 (2) background study results to the license holder;

300.23 (3) background study information obtained under this section and section 245C.08 to
300.24 counties and private agencies for background studies conducted by the commissioner for
300.25 child foster care, including a summary of nondisqualifying results, except as prohibited by
300.26 law; and

300.27 (4) background study results to county agencies for background studies conducted by
300.28 the commissioner for adult foster care and family adult day services and, upon
300.29 implementation of NETStudy 2.0, family child care ~~and legal nonlicensed child care~~
300.30 ~~authorized under chapter 119B.~~

301.1 (b) Unless the commissioner has granted a hardship variance under paragraph (c), a
301.2 license holder or an applicant must use the electronic transmission system known as
301.3 NETStudy or NETStudy 2.0 to submit all requests for background studies to the
301.4 commissioner as required by this chapter.

301.5 (c) A license holder or applicant whose program is located in an area in which high-speed
301.6 Internet is inaccessible may request the commissioner to grant a variance to the electronic
301.7 transmission requirement.

301.8 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under
301.9 this subdivision.

301.10 (e) The background study subject shall access background study-related documents
301.11 electronically in the applicant portal. A background study subject may request for the
301.12 commissioner to grant a variance to the requirement to access documents electronically in

348.16 Sec. 7. Minnesota Statutes 2022, section 245C.05, subdivision 4, is amended to read:

348.17 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the
348.18 Department of Human Services, the commissioner shall implement a secure system for the
348.19 electronic transmission of:

348.20 (1) background study information to the commissioner;

348.21 (2) background study results to the license holder;

348.22 (3) background study information obtained under this section and section 245C.08 to
348.23 counties and private agencies for background studies conducted by the commissioner for
348.24 child foster care, including a summary of nondisqualifying results, except as prohibited by
348.25 law; and

348.26 (4) background study results to county agencies for background studies conducted by
348.27 the commissioner for adult foster care and family adult day services and, upon
348.28 implementation of NETStudy 2.0, family child care ~~and legal nonlicensed child care~~
348.29 ~~authorized under chapter 119B.~~

348.30 (b) Unless the commissioner has granted a hardship variance under paragraph (c), a
348.31 license holder or an applicant must use the electronic transmission system known as
349.1 NETStudy or NETStudy 2.0 to submit all requests for background studies to the
349.2 commissioner as required by this chapter.

349.3 (c) A license holder or applicant whose program is located in an area in which high-speed
349.4 Internet is inaccessible may request the commissioner to grant a variance to the electronic
349.5 transmission requirement.

349.6 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under
349.7 this subdivision.

349.8 (e) The background study subject shall access background study-related documents
349.9 electronically in the applicant portal. A background study subject may request the
349.10 commissioner to grant a variance to the requirement to access documents electronically in

301.13 the NETStudy 2.0 applicant portal and may also request paper documentation of their
301.14 background studies.

301.15 **EFFECTIVE DATE.** The amendments to paragraph (a), clause (4), are effective April
301.16 28, 2025.

349.11 the NETStudy 2.0 applicant portal, and maintains the ability to request paper documentation
349.12 of their background studies.

H0238-3 ARTICLE 1, SECTION 29 ALSO AMENDS SECTION 245C.05, SUBD. 4, AND IS BELOW.

27.23 Sec. 29. Minnesota Statutes 2022, section 245C.05, subdivision 4, is amended to read:

27.24 Subd. 4. **Electronic transmission.** (a) For background studies conducted by the
27.25 Department of Human Services, the commissioner shall implement a secure system for the
27.26 electronic transmission of:

27.27 (1) background study information to the commissioner;

27.28 (2) background study results to the license holder;

27.29 (3) background study information obtained under this section and section 245C.08 to
27.30 counties and private agencies for background studies conducted by the commissioner for
27.31 child foster care, including a summary of nondisqualifying results, except as prohibited by
27.32 law; and

28.1 (4) background study results to county agencies for background studies conducted by
28.2 the commissioner for adult foster care and family adult day services and, upon
28.3 implementation of NETStudy 2.0, family child care ~~and legal nonlicensed child care~~
28.4 ~~authorized under chapter 119B.~~

28.5 (b) Unless the commissioner has granted a hardship variance under paragraph (c), a
28.6 license holder or an applicant must use the electronic transmission system known as
28.7 NETStudy or NETStudy 2.0 to submit all requests for background studies to the
28.8 commissioner as required by this chapter.

28.9 (c) A license holder or applicant whose program is located in an area in which high-speed
28.10 Internet is inaccessible may request the commissioner to grant a variance to the electronic
28.11 transmission requirement.

28.12 (d) Section 245C.08, subdivision 3, paragraph (c), applies to results transmitted under
28.13 this subdivision.

28.14 **EFFECTIVE DATE.** This section is effective April 28, 2025.

349.13 Sec. 8. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

349.14 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
349.15 For a background study conducted by the Department of Human Services, the commissioner
349.16 shall review:

301.17 Sec. 13. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

301.18 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)
301.19 For a background study conducted by the Department of Human Services, the commissioner
301.20 shall review:

301.21 (1) information related to names of substantiated perpetrators of maltreatment of
 301.22 vulnerable adults that has been received by the commissioner as required under section
 301.23 626.557, subdivision 9c, paragraph (j);

301.24 (2) the commissioner's records relating to the maltreatment of minors in licensed
 301.25 programs, and from findings of maltreatment of minors as indicated through the social
 301.26 service information system;

301.27 (3) information from juvenile courts as required in subdivision 4 for individuals listed
 301.28 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

301.29 (4) information from the Bureau of Criminal Apprehension, including information
 301.30 regarding a background study subject's registration in Minnesota as a predatory offender
 301.31 under section 243.166;

302.1 (5) except as provided in clause (6), information received as a result of submission of
 302.2 fingerprints for a national criminal history record check, as defined in section 245C.02,
 302.3 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
 302.4 record check as defined under section 245C.02, subdivision 15a, or as required under section
 302.5 144.057, subdivision 1, clause (2);

302.6 (6) for a background study related to a child foster family setting application for licensure,
 302.7 foster residence settings, children's residential facilities, a transfer of permanent legal and
 302.8 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
 302.9 background study required for family child care, certified license-exempt child care, child
 302.10 care centers, and legal nonlicensed child care authorized under chapter 119B, the
 302.11 commissioner shall also review:

302.12 (i) information from the child abuse and neglect registry for any state in which the
 302.13 background study subject has resided for the past five years;

302.14 (ii) when the background study subject is 18 years of age or older, or a minor under
 302.15 section 245C.05, subdivision 5a, paragraph (c), information received following submission
 302.16 of fingerprints for a national criminal history record check; and

302.17 (iii) when the background study subject is 18 years of age or older or a minor under
 302.18 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
 302.19 license-exempt child care, licensed child care centers, and legal nonlicensed child care
 302.20 authorized under chapter 119B, information obtained using non-fingerprint-based data
 302.21 including information from the criminal and sex offender registries for any state in which
 302.22 the background study subject resided for the past five years and information from the national
 302.23 crime information database and the national sex offender registry; and

302.24 (7) for a background study required for family child care, certified license-exempt child
 302.25 care centers, licensed child care centers, and legal nonlicensed child care authorized under

349.17 (1) information related to names of substantiated perpetrators of maltreatment of
 349.18 vulnerable adults that has been received by the commissioner as required under section
 349.19 626.557, subdivision 9c, paragraph (j);

349.20 (2) the commissioner's records relating to the maltreatment of minors in licensed
 349.21 programs, and from findings of maltreatment of minors as indicated through the social
 349.22 service information system;

349.23 (3) information from juvenile courts as required in subdivision 4 for individuals listed
 349.24 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

349.25 (4) information from the Bureau of Criminal Apprehension, including information
 349.26 regarding a background study subject's registration in Minnesota as a predatory offender
 349.27 under section 243.166;

349.28 (5) except as provided in clause (6), information received as a result of submission of
 349.29 fingerprints for a national criminal history record check, as defined in section 245C.02,
 349.30 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
 349.31 record check as defined under section 245C.02, subdivision 15a, or as required under section
 349.32 144.057, subdivision 1, clause (2);

350.1 (6) for a background study related to a child foster family setting application for licensure,
 350.2 foster residence settings, children's residential facilities, a transfer of permanent legal and
 350.3 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
 350.4 background study required for family child care, certified license-exempt child care, child
 350.5 care centers, and legal nonlicensed child care authorized under chapter 119B, the
 350.6 commissioner shall also review:

350.7 (i) information from the child abuse and neglect registry for any state in which the
 350.8 background study subject has resided for the past five years;

350.9 (ii) when the background study subject is 18 years of age or older, or a minor under
 350.10 section 245C.05, subdivision 5a, paragraph (c), information received following submission
 350.11 of fingerprints for a national criminal history record check; and

350.12 (iii) when the background study subject is 18 years of age or older or a minor under
 350.13 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
 350.14 license-exempt child care, licensed child care centers, and legal nonlicensed child care
 350.15 authorized under chapter 119B, information obtained using non-fingerprint-based data
 350.16 including information from the criminal and sex offender registries for any state in which
 350.17 the background study subject resided for the past five years and information from the national
 350.18 crime information database and the national sex offender registry; and

350.19 (7) for a background study required for family child care, certified license-exempt child
 350.20 care centers, licensed child care centers, and legal nonlicensed child care authorized under
 350.21 chapter 119B, the background study shall also include, to the extent practicable, a name
 350.22 and date-of-birth search of the National Sex Offender Public website.

302.26 chapter 119B, the background study shall also include, to the extent practicable, a name
302.27 and date-of-birth search of the National Sex Offender Public website; and

302.28 (8) for a background study required for treatment programs for sexual psychopathic
302.29 personalities or sexually dangerous persons, the background study shall only include a
302.30 review of the information required under paragraph (a), clauses (1) to (4).

302.31 (b) Notwithstanding expungement by a court, the commissioner may consider information
302.32 obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice
302.33 of the petition for expungement and the court order for expungement is directed specifically
302.34 to the commissioner.

303.1 (c) The commissioner shall also review criminal case information received according
303.2 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
303.3 to individuals who have already been studied under this chapter and who remain affiliated
303.4 with the agency that initiated the background study.

303.5 (d) When the commissioner has reasonable cause to believe that the identity of a
303.6 background study subject is uncertain, the commissioner may require the subject to provide
303.7 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
303.8 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
303.9 shall not be saved by the commissioner after they have been used to verify the identity of
303.10 the background study subject against the particular criminal record in question.

303.11 (e) The commissioner may inform the entity that initiated a background study under
303.12 NETStudy 2.0 of the status of processing of the subject's fingerprints.

303.13 Sec. 14. Minnesota Statutes 2022, section 245C.10, subdivision 2, is amended to read:

303.14 Subd. 2. **Supplemental nursing services agencies.** The commissioner shall recover the
303.15 cost of the background studies initiated by supplemental nursing services agencies registered
303.16 under section 144A.71, subdivision 1, through a fee of no more than ~~\$42~~ **\$44** per study
303.17 charged to the agency. The fees collected under this subdivision are appropriated to the
303.18 commissioner for the purpose of conducting background studies.

350.23 (b) Notwithstanding expungement by a court, the commissioner may consider information
350.24 obtained under paragraph (a), clauses (3) and (4), unless the commissioner received notice
350.25 of the petition for expungement and the court order for expungement is directed specifically
350.26 to the commissioner.

350.27 (c) The commissioner shall also review criminal case information received according
350.28 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
350.29 to individuals who have already been studied under this chapter and who remain affiliated
350.30 with the agency that initiated the background study.

350.31 (d) When the commissioner has reasonable cause to believe that the identity of a
350.32 background study subject is uncertain, the commissioner may require the subject to provide
350.33 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
350.34 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
351.1 shall not be saved by the commissioner after they have been used to verify the identity of
351.2 the background study subject against the particular criminal record in question.

351.3 (e) The commissioner may inform the entity that initiated a background study under
351.4 NETStudy 2.0 of the status of processing of the subject's fingerprints.

351.5 (f) For a background study required for treatment programs for sexual psychopathic
351.6 personality or sexually dangerous persons, the background study shall only include a review
351.7 of the information required under paragraph (a), clauses (1), (2), (3), and (4).

351.8 Sec. 9. Minnesota Statutes 2022, section 245C.10, subdivision 1d, is amended to read:

351.9 Subd. 1d. State; national criminal history record check fees. The commissioner may
351.10 increase background study fees as necessary, commensurate with an increase in state Bureau
351.11 of Criminal Apprehension or the national criminal history record check fee fees. ~~The~~
351.12 ~~commissioner shall report any fee increase under this subdivision to the legislature during~~
351.13 ~~the legislative session following the fee increase, so that the legislature may consider adoption~~
351.14 ~~of the fee increase into statute. By July 1 of every year, background study fees shall be set~~
351.15 ~~at the amount adopted by the legislature under this section.~~

351.16 Sec. 10. Minnesota Statutes 2022, section 245C.10, subdivision 2, is amended to read:

351.17 Subd. 2. **Supplemental nursing services agencies.** The commissioner shall recover the
351.18 cost of the background studies initiated by supplemental nursing services agencies registered
351.19 under section 144A.71, subdivision 1, through a fee of no more than ~~\$42~~ **\$44** per study
351.20 charged to the agency. The fees collected under this subdivision are appropriated to the
351.21 commissioner for the purpose of conducting background studies.

303.19 Sec. 15. Minnesota Statutes 2022, section 245C.10, subdivision 2a, is amended to read:

303.20 Subd. 2a. **Occupations regulated by commissioner of health.** The commissioner shall
303.21 set fees to recover the cost of combined background studies and criminal background checks
303.22 initiated by applicants, licensees, and certified practitioners regulated under sections 148.511
303.23 to 148.5198 and chapter 153A through a fee of no more than \$44 per study charged to the
303.24 entity. The fees collected under this subdivision shall be deposited in the special revenue
303.25 fund and are appropriated to the commissioner for the purpose of conducting background
303.26 studies and criminal background checks.

303.27 Sec. 16. Minnesota Statutes 2022, section 245C.10, subdivision 3, is amended to read:

303.28 Subd. 3. **Personal care provider organizations.** The commissioner shall recover the
303.29 cost of background studies initiated by a personal care provider organization under sections
303.30 256B.0651 to 256B.0654 and 256B.0659 through a fee of no more than ~~\$42~~ \$44 per study
303.31 charged to the organization responsible for submitting the background study form. The fees
304.1 collected under this subdivision are appropriated to the commissioner for the purpose of
304.2 conducting background studies.

304.3 Sec. 17. Minnesota Statutes 2022, section 245C.10, subdivision 4, is amended to read:

304.4 Subd. 4. **Temporary personnel agencies, personnel pool agencies, educational**
304.5 **programs, and professional services agencies.** The commissioner shall recover the cost
304.6 of the background studies initiated by temporary personnel agencies, personnel pool agencies,
304.7 educational programs, and professional services agencies that initiate background studies
304.8 under section 245C.03, subdivision 4, through a fee of no more than ~~\$42~~ \$44 per study
304.9 charged to the agency. The fees collected under this subdivision are appropriated to the
304.10 commissioner for the purpose of conducting background studies.

304.11 Sec. 18. Minnesota Statutes 2022, section 245C.10, subdivision 5, is amended to read:

304.12 Subd. 5. **Adult foster care and family adult day services.** The commissioner shall
304.13 recover the cost of background studies required under section 245C.03, subdivision 1, for
304.14 the purposes of adult foster care and family adult day services licensing, through a fee of
304.15 no more than ~~\$42~~ \$44 per study charged to the license holder. The fees collected under this

351.22 Sec. 11. Minnesota Statutes 2022, section 245C.10, subdivision 2a, is amended to read:

351.23 Subd. 2a. **Occupations regulated by commissioner of health.** The commissioner shall
351.24 set fees to recover the cost of combined background studies and criminal background checks
351.25 initiated by applicants, licensees, and certified practitioners regulated under sections 148.511
351.26 to 148.5198 and chapter 153A through a fee of no more than \$44 per study charged to the
351.27 entity. The fees collected under this subdivision shall be deposited in the special revenue
351.28 fund and are appropriated to the commissioner for the purpose of conducting background
351.29 studies and criminal background checks.

352.1 Sec. 12. Minnesota Statutes 2022, section 245C.10, subdivision 3, is amended to read:

352.2 Subd. 3. **Personal care provider organizations.** The commissioner shall recover the
352.3 cost of background studies initiated by a personal care provider organization under sections
352.4 256B.0651 to 256B.0654 and 256B.0659 through a fee of no more than ~~\$42~~ \$44 per study
352.5 charged to the organization responsible for submitting the background study form. The fees
352.6 collected under this subdivision are appropriated to the commissioner for the purpose of
352.7 conducting background studies.

352.8 Sec. 13. Minnesota Statutes 2022, section 245C.10, subdivision 4, is amended to read:

352.9 Subd. 4. **Temporary personnel agencies, educational programs, and professional**
352.10 **services agencies.** The commissioner shall recover the cost of the background studies
352.11 initiated by temporary personnel agencies, educational programs, and professional services
352.12 agencies that initiate background studies under section 245C.03, subdivision 4, through a
352.13 fee of no more than ~~\$42~~ \$44 per study charged to the agency. The fees collected under this
352.14 subdivision are appropriated to the commissioner for the purpose of conducting background
352.15 studies.

UES2995-2 ARTICLE 9, SECTION 28 ALSO AMENDS SECTION 245C.10,
SUBD. 4, AND IS BELOW.

468.24 Sec. 28. Minnesota Statutes 2022, section 245C.10, subdivision 4, is amended to read:

468.25 Subd. 4. **Temporary personnel agencies, personnel pool agencies, educational**
468.26 **programs, and professional services agencies.** The commissioner shall recover the cost
468.27 of the background studies initiated by temporary personnel agencies, personnel pool agencies,
468.28 educational programs, and professional services agencies that initiate background studies
468.29 under section 245C.03, subdivision 4, through a fee of no more than \$42 per study charged
468.30 to the agency. The fees collected under this subdivision are appropriated to the commissioner
468.31 for the purpose of conducting background studies.

352.16 Sec. 14. Minnesota Statutes 2022, section 245C.10, subdivision 5, is amended to read:

352.17 Subd. 5. **Adult foster care and family adult day services.** The commissioner shall
352.18 recover the cost of background studies required under section 245C.03, subdivision 1, for
352.19 the purposes of adult foster care and family adult day services licensing, through a fee of
352.20 no more than ~~\$42~~ \$44 per study charged to the license holder. The fees collected under this

304.16 subdivision are appropriated to the commissioner for the purpose of conducting background
304.17 studies.

304.18 Sec. 19. Minnesota Statutes 2022, section 245C.10, subdivision 6, is amended to read:

304.19 Subd. 6. **Unlicensed home and community-based waiver providers of service to**
304.20 **seniors and individuals with disabilities.** The commissioner shall recover the cost of
304.21 background studies initiated by unlicensed home and community-based waiver providers
304.22 of service to seniors and individuals with disabilities under section 256B.4912 through a
304.23 fee of no more than ~~\$42~~ \$44 per study.

304.24 Sec. 20. Minnesota Statutes 2022, section 245C.10, subdivision 8, is amended to read:

304.25 Subd. 8. **Children's therapeutic services and supports providers.** The commissioner
304.26 shall recover the cost of background studies required under section 245C.03, subdivision
304.27 7, for the purposes of children's therapeutic services and supports under section 256B.0943,
304.28 through a fee of no more than ~~\$42~~ \$44 per study charged to the license holder. The fees
304.29 collected under this subdivision are appropriated to the commissioner for the purpose of
304.30 conducting background studies.

305.1 Sec. 21. Minnesota Statutes 2022, section 245C.10, subdivision 9, is amended to read:

305.2 Subd. 9. **Human services licensed programs.** The commissioner shall recover the cost
305.3 of background studies required under section 245C.03, subdivision 1, for all programs that
305.4 are licensed by the commissioner, except child foster care when the applicant or license
305.5 holder resides in the home where child foster care services are provided, family child care,
305.6 child care centers, certified license-exempt child care centers, and legal nonlicensed child
305.7 care authorized under chapter 119B, through a fee of no more than ~~\$42~~ \$44 per study charged
305.8 to the license holder. The fees collected under this subdivision are appropriated to the
305.9 commissioner for the purpose of conducting background studies.

305.10 Sec. 22. Minnesota Statutes 2022, section 245C.10, subdivision 9a, is amended to read:

305.11 Subd. 9a. **Child care programs.** The commissioner shall recover the cost of a background
305.12 study required for family child care, certified license-exempt child care centers, licensed
305.13 child care centers, and legal nonlicensed child care providers authorized under chapter 119B
305.14 through a fee of no more than ~~\$40~~ \$44 per study charged to the license holder. A fee of no
305.15 more than ~~\$42~~ \$44 per study shall be charged for studies conducted under section 245C.05,
305.16 subdivision 5a, paragraph (a). The fees collected under this subdivision are appropriated to
305.17 the commissioner to conduct background studies.

305.18 Sec. 23. Minnesota Statutes 2022, section 245C.10, subdivision 10, is amended to read:

305.19 Subd. 10. **Community first services and supports organizations.** The commissioner
305.20 shall recover the cost of background studies initiated by an agency-provider delivering
305.21 services under section 256B.85, subdivision 11, or a financial management services provider
305.22 providing service functions under section 256B.85, subdivision 13, through a fee of no more
305.23 than ~~\$42~~ \$44 per study, charged to the organization responsible for submitting the background

352.21 subdivision are appropriated to the commissioner for the purpose of conducting background
352.22 studies.

352.23 Sec. 15. Minnesota Statutes 2022, section 245C.10, subdivision 6, is amended to read:

352.24 Subd. 6. **Unlicensed home and community-based waiver providers of service to**
352.25 **seniors and individuals with disabilities.** The commissioner shall recover the cost of
352.26 background studies initiated by unlicensed home and community-based waiver providers
352.27 of service to seniors and individuals with disabilities under section 256B.4912 through a
352.28 fee of no more than ~~\$42~~ \$44 per study.

352.29 Sec. 16. Minnesota Statutes 2022, section 245C.10, subdivision 8, is amended to read:

352.30 Subd. 8. **Children's therapeutic services and supports providers.** The commissioner
352.31 shall recover the cost of background studies required under section 245C.03, subdivision
353.1 7, for the purposes of children's therapeutic services and supports under section 256B.0943,
353.2 through a fee of no more than ~~\$42~~ \$44 per study charged to the license holder. The fees
353.3 collected under this subdivision are appropriated to the commissioner for the purpose of
353.4 conducting background studies.

353.5 Sec. 17. Minnesota Statutes 2022, section 245C.10, subdivision 9, is amended to read:

353.6 Subd. 9. **Human services licensed programs.** The commissioner shall recover the cost
353.7 of background studies required under section 245C.03, subdivision 1, for all programs that
353.8 are licensed by the commissioner, except child foster care when the applicant or license
353.9 holder resides in the home where child foster care services are provided, family child care,
353.10 child care centers, certified license-exempt child care centers, and legal nonlicensed child
353.11 care authorized under chapter 119B, through a fee of no more than ~~\$42~~ \$44 per study charged
353.12 to the license holder. The fees collected under this subdivision are appropriated to the
353.13 commissioner for the purpose of conducting background studies.

353.14 Sec. 18. Minnesota Statutes 2022, section 245C.10, subdivision 9a, is amended to read:

353.15 Subd. 9a. **Child care programs.** The commissioner shall recover the cost of a background
353.16 study required for family child care, certified license-exempt child care centers, licensed
353.17 child care centers, and legal nonlicensed child care providers authorized under chapter 119B
353.18 through a fee of no more than ~~\$40~~ \$44 per study charged to the license holder. A fee of no
353.19 more than ~~\$42~~ \$44 per study shall be charged for studies conducted under section 245C.05,
353.20 subdivision 5a, paragraph (a). The fees collected under this subdivision are appropriated to
353.21 the commissioner to conduct background studies.

353.22 Sec. 19. Minnesota Statutes 2022, section 245C.10, subdivision 10, is amended to read:

353.23 Subd. 10. **Community first services and supports organizations.** The commissioner
353.24 shall recover the cost of background studies initiated by an agency-provider delivering
353.25 services under section 256B.85, subdivision 11, or a financial management services provider
353.26 providing service functions under section 256B.85, subdivision 13, through a fee of no more
353.27 than ~~\$42~~ \$44 per study, charged to the organization responsible for submitting the background

305.24 study form. The fees collected under this subdivision are appropriated to the commissioner
305.25 for the purpose of conducting background studies.

305.26 Sec. 24. Minnesota Statutes 2022, section 245C.10, subdivision 11, is amended to read:

305.27 Subd. 11. **Providers of housing support.** The commissioner shall recover the cost of
305.28 background studies initiated by providers of housing support under section 256I.04 through
305.29 a fee of no more than ~~\$42~~ \$44 per study. The fees collected under this subdivision are
305.30 appropriated to the commissioner for the purpose of conducting background studies.

306.1 Sec. 25. Minnesota Statutes 2022, section 245C.10, subdivision 12, is amended to read:

306.2 Subd. 12. **Child protection workers or social services staff having responsibility for**
306.3 **child protective duties.** The commissioner shall recover the cost of background studies
306.4 initiated by county social services agencies and local welfare agencies for individuals who
306.5 are required to have a background study under section 260E.36, subdivision 3, through a
306.6 fee of no more than ~~\$42~~ \$44 per study. The fees collected under this subdivision are
306.7 appropriated to the commissioner for the purpose of conducting background studies.

306.8 Sec. 26. Minnesota Statutes 2022, section 245C.10, subdivision 13, is amended to read:

306.9 Subd. 13. **Providers of special transportation service.** The commissioner shall recover
306.10 the cost of background studies initiated by providers of special transportation service under
306.11 section 174.30 through a fee of no more than ~~\$42~~ \$44 per study. The fees collected under
306.12 this subdivision are appropriated to the commissioner for the purpose of conducting
306.13 background studies.

306.14 Sec. 27. Minnesota Statutes 2022, section 245C.10, subdivision 14, is amended to read:

306.15 Subd. 14. **Children's residential facilities.** The commissioner shall recover the cost of
306.16 background studies initiated by a licensed children's residential facility through a fee of no
306.17 more than ~~\$51~~ \$53 per study. Fees collected under this subdivision are appropriated to the
306.18 commissioner for purposes of conducting background studies.

306.19 Sec. 28. Minnesota Statutes 2022, section 245C.10, subdivision 15, is amended to read:

306.20 Subd. 15. **Guardians and conservators.** The commissioner shall recover the cost of
306.21 conducting ~~background studies~~ maltreatment and state licensing agency checks for guardians
306.22 and conservators under section ~~524.5-118~~ 245C.033 through a fee of no more than ~~\$110~~
306.23 ~~per study~~ \$50. The fees collected under this subdivision are appropriated to the commissioner
306.24 for the purpose of conducting ~~background studies~~ maltreatment and state licensing agency
306.25 checks. The fee for conducting an alternative background study for appointment of a
306.26 professional guardian or conservator must be paid by the guardian or conservator. In other
306.27 cases, the fee must be paid as follows:

353.28 study form. The fees collected under this subdivision are appropriated to the commissioner
353.29 for the purpose of conducting background studies.

354.1 Sec. 20. Minnesota Statutes 2022, section 245C.10, subdivision 11, is amended to read:

354.2 Subd. 11. **Providers of housing support.** The commissioner shall recover the cost of
354.3 background studies initiated by providers of housing support under section 256I.04 through
354.4 a fee of no more than ~~\$42~~ \$44 per study. The fees collected under this subdivision are
354.5 appropriated to the commissioner for the purpose of conducting background studies.

354.6 Sec. 21. Minnesota Statutes 2022, section 245C.10, subdivision 12, is amended to read:

354.7 Subd. 12. **Child protection workers or social services staff having responsibility for**
354.8 **child protective duties.** The commissioner shall recover the cost of background studies
354.9 initiated by county social services agencies and local welfare agencies for individuals who
354.10 are required to have a background study under section 260E.36, subdivision 3, through a
354.11 fee of no more than ~~\$42~~ \$44 per study. The fees collected under this subdivision are
354.12 appropriated to the commissioner for the purpose of conducting background studies.

354.13 Sec. 22. Minnesota Statutes 2022, section 245C.10, subdivision 13, is amended to read:

354.14 Subd. 13. **Providers of special transportation service.** The commissioner shall recover
354.15 the cost of background studies initiated by providers of special transportation service under
354.16 section 174.30 through a fee of no more than ~~\$42~~ \$44 per study. The fees collected under
354.17 this subdivision are appropriated to the commissioner for the purpose of conducting
354.18 background studies.

354.19 Sec. 23. Minnesota Statutes 2022, section 245C.10, subdivision 14, is amended to read:

354.20 Subd. 14. **Children's residential facilities.** The commissioner shall recover the cost of
354.21 background studies initiated by a licensed children's residential facility through a fee of no
354.22 more than ~~\$51~~ \$53 per study. Fees collected under this subdivision are appropriated to the
354.23 commissioner for purposes of conducting background studies.

354.24 Sec. 24. Minnesota Statutes 2022, section 245C.10, subdivision 15, is amended to read:

354.25 Subd. 15. **Guardians and conservators.** The commissioner shall recover the cost of
354.26 conducting ~~background studies~~ maltreatment and state licensing agency checks for guardians
354.27 and conservators under section ~~524.5-118~~ 245C.033 through a fee of no more than ~~\$110~~
354.28 ~~per study~~ \$50. The fees collected under this subdivision are appropriated to the commissioner
354.29 for the purpose of conducting ~~background studies~~ maltreatment and state licensing agency
354.30 checks. The fee for conducting an alternative background study for appointment of a
354.31 professional guardian or conservator must be paid by the guardian or conservator. In other
355.1 cases, the fee must be paid as follows: must be paid directly to and in the manner prescribed
355.2 by the commissioner before any maltreatment and state licensing agency checks under
355.3 section 245C.033 may be conducted.

306.28 (1) if the matter is proceeding in forma pauperis, the fee must be paid as an expense for
306.29 purposes of section 524.5 502, paragraph (a);

306.30 (2) if there is an estate of the ward or protected person, the fee must be paid from the
306.31 estate; or

307.1 (3) in the case of a guardianship or conservatorship of a person that is not proceeding
307.2 in forma pauperis, the fee must be paid by the guardian, conservator, or the court must be
307.3 paid directly to the commissioner and in the manner prescribed by the commissioner before
307.4 any maltreatment and state licensing agency checks under section 245C.033 may be
307.5 conducted.

307.6 Sec. 29. Minnesota Statutes 2022, section 245C.10, subdivision 16, is amended to read:

307.7 Subd. 16. **Providers of housing support services.** The commissioner shall recover the
307.8 cost of background studies initiated by providers of housing support services under section
307.9 256B.051 through a fee of no more than ~~\$42~~ \$44 per study. The fees collected under this
307.10 subdivision are appropriated to the commissioner for the purpose of conducting background
307.11 studies.

307.12 Sec. 30. Minnesota Statutes 2022, section 245C.10, subdivision 17, is amended to read:

307.13 Subd. 17. **Early intensive developmental and behavioral intervention providers.** The
307.14 commissioner shall recover the cost of background studies required under section 245C.03,
307.15 subdivision 15, for the purposes of early intensive developmental and behavioral intervention
307.16 under section 256B.0949, through a fee of no more than ~~\$42~~ \$44 per study charged to the
307.17 enrolled agency. The fees collected under this subdivision are appropriated to the
307.18 commissioner for the purpose of conducting background studies.

307.19 Sec. 31. Minnesota Statutes 2022, section 245C.10, subdivision 20, is amended to read:

307.20 Subd. 20. **Professional Educators Licensing Standards Board.** The commissioner
307.21 shall recover the cost of background studies initiated by the Professional Educators Licensing
307.22 Standards Board through a fee of no more than ~~\$51~~ \$53 per study. Fees collected under this
307.23 subdivision are appropriated to the commissioner for purposes of conducting background
307.24 studies.

307.25 Sec. 32. Minnesota Statutes 2022, section 245C.10, subdivision 21, is amended to read:

307.26 Subd. 21. **Board of School Administrators.** The commissioner shall recover the cost
307.27 of background studies initiated by the Board of School Administrators through a fee of no
307.28 more than ~~\$51~~ \$53 per study. Fees collected under this subdivision are appropriated to the
307.29 commissioner for purposes of conducting background studies.

355.4 (1) if the matter is proceeding in forma pauperis, the fee must be paid as an expense for
355.5 purposes of section 524.5 502, paragraph (a);

355.6 (2) if there is an estate of the ward or protected person, the fee must be paid from the
355.7 estate; or

355.8 (3) in the case of a guardianship or conservatorship of a person that is not proceeding
355.9 in forma pauperis, the fee must be paid by the guardian, conservator, or the court;

355.10 Sec. 25. Minnesota Statutes 2022, section 245C.10, subdivision 16, is amended to read:

355.11 Subd. 16. **Providers of housing support services.** The commissioner shall recover the
355.12 cost of background studies initiated by providers of housing support services under section
355.13 256B.051 through a fee of no more than ~~\$42~~ \$44 per study. The fees collected under this
355.14 subdivision are appropriated to the commissioner for the purpose of conducting background
355.15 studies.

355.16 Sec. 26. Minnesota Statutes 2022, section 245C.10, subdivision 17, is amended to read:

355.17 Subd. 17. **Early intensive developmental and behavioral intervention providers.** The
355.18 commissioner shall recover the cost of background studies required under section 245C.03,
355.19 subdivision 15, for the purposes of early intensive developmental and behavioral intervention
355.20 under section 256B.0949, through a fee of no more than ~~\$42~~ \$44 per study charged to the
355.21 enrolled agency. The fees collected under this subdivision are appropriated to the
355.22 commissioner for the purpose of conducting background studies.

355.23 Sec. 27. Minnesota Statutes 2022, section 245C.10, subdivision 20, is amended to read:

355.24 Subd. 20. **Professional Educators Licensing Standards Board.** The commissioner
355.25 shall recover the cost of background studies initiated by the Professional Educators Licensing
355.26 Standards Board through a fee of no more than ~~\$51~~ \$53 per study. Fees collected under this
355.27 subdivision are appropriated to the commissioner for purposes of conducting background
355.28 studies.

356.1 Sec. 28. Minnesota Statutes 2022, section 245C.10, subdivision 21, is amended to read:

356.2 Subd. 21. **Board of School Administrators.** The commissioner shall recover the cost
356.3 of background studies initiated by the Board of School Administrators through a fee of no
356.4 more than ~~\$51~~ \$53 per study. Fees collected under this subdivision are appropriated to the
356.5 commissioner for purposes of conducting background studies.

308.1 Sec. 33. Minnesota Statutes 2022, section 245C.15, subdivision 2, is amended to read:

308.2 Subd. 2. **15-year disqualification.** (a) An individual is disqualified under section 245C.14

308.3 if: (1) less than 15 years have passed since the discharge of the sentence imposed, if any,

308.4 for the offense; and (2) the individual has committed a felony-level violation of any of the

308.5 following offenses: sections 152.021, subdivision 1 or 2b, (aggravated controlled substance

308.6 crime in the first degree; sale crimes); 152.022, subdivision 1 (controlled substance crime

308.7 in the second degree; sale crimes); 152.023, subdivision 1 (controlled substance crime in

308.8 the third degree; sale crimes); 152.024, subdivision 1 (controlled substance crime in the

308.9 fourth degree; sale crimes); 256.98 (wrongfully obtaining assistance); 268.182 (fraud);

308.10 393.07, subdivision 10, paragraph (c) (federal SNAP fraud); 609.165 (felon ineligible to

308.11 possess firearm); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury);

308.12 609.215 (suicide); 609.223 or 609.2231 (assault in the third or fourth degree); repeat offenses

308.13 under 609.224 (assault in the fifth degree); 609.229 (crimes committed for benefit of a

308.14 gang); 609.2325 (criminal abuse of a vulnerable adult); 609.2335 (financial exploitation of

308.15 a vulnerable adult); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple

308.16 robbery); 609.255 (false imprisonment); 609.2664 (manslaughter of an unborn child in the

308.17 first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267

308.18 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the

308.19 second degree); 609.268 (injury or death of an unborn child in the commission of a crime);

308.20 609.27 (coercion); 609.275 (attempt to coerce); 609.466 (medical assistance fraud); 609.495

308.21 (aiding an offender); 609.498, subdivision 1 or 1b (aggravated first-degree or first-degree

308.22 tampering with a witness); 609.52 (theft); 609.521 (possession of shoplifting gear); 609.525

308.23 (bringing stolen goods into Minnesota); 609.527 (identity theft); 609.53 (receiving stolen

308.24 property); 609.535 (issuance of dishonored checks); 609.562 (arson in the second degree);

308.25 609.563 (arson in the third degree); 609.582 (burglary); 609.59 (possession of burglary

308.26 tools); 609.611 (insurance fraud); 609.625 (aggravated forgery); 609.63 (forgery); 609.631

308.27 (check forgery; offering a forged check); 609.635 (obtaining signature by false pretense);

308.28 609.66 (dangerous weapons); 609.67 (machine guns and short-barreled shotguns); 609.687

308.29 (adulteration); 609.71 (riot); 609.713 (terroristic threats); 609.82 (fraud in obtaining credit);

308.30 609.821 (financial transaction card fraud); 617.23 (indecent exposure), not involving a

308.31 minor; repeat offenses under 617.241 (obscene materials and performances; distribution

356.6 Sec. 29. Minnesota Statutes 2022, section 245C.10, is amended by adding a subdivision

356.7 to read:

356.8 Subd. 22. **Tribal organizations.** The commissioner shall recover the cost of background

356.9 studies initiated by Tribal organizations under section 245C.34 for adoption and child foster

356.10 care. The fee amount shall be established through interagency agreements between the

356.11 commissioner and Tribal organizations or their designees. The fees collected under this

356.12 subdivision shall be deposited in the special revenue fund and are appropriated to the

356.13 commissioner for the purpose of conducting background studies and criminal background

356.14 checks.

356.15 **EFFECTIVE DATE.** This section is effective July 1, 2024.

308.32 and exhibition prohibited; penalty); or 624.713 (certain persons not to possess firearms);
308.33 chapter 152 (drugs; controlled substance); or Minnesota Statutes 2012, section 609.21; or
308.34 a felony-level conviction involving alcohol or drug use.

309.1 (b) An individual is disqualified under section 245C.14 if less than 15 years has passed
309.2 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
309.3 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

309.4 (c) An individual is disqualified under section 245C.14 if less than 15 years has passed
309.5 since the termination of the individual's parental rights under section 260C.301, subdivision
309.6 1, paragraph (b), or subdivision 3.

309.7 (d) An individual is disqualified under section 245C.14 if less than 15 years has passed
309.8 since the discharge of the sentence imposed for an offense in any other state or country, the
309.9 elements of which are substantially similar to the elements of the offenses listed in paragraph
309.10 (a).

309.11 (e) If the individual studied commits one of the offenses listed in paragraph (a), but the
309.12 sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is
309.13 disqualified but the disqualification look-back period for the offense is the period applicable
309.14 to the gross misdemeanor or misdemeanor disposition.

309.15 (f) When a disqualification is based on a judicial determination other than a conviction,
309.16 the disqualification period begins from the date of the court order. When a disqualification
309.17 is based on an admission, the disqualification period begins from the date of an admission
309.18 in court. When a disqualification is based on an Alford Plea, the disqualification period
309.19 begins from the date the Alford Plea is entered in court. When a disqualification is based
309.20 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
309.21 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
309.22 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

309.23 **EFFECTIVE DATE.** This section is effective for background studies requested on or
309.24 after August 1, 2024.

309.25 Sec. 34. Minnesota Statutes 2022, section 245C.15, is amended by adding a subdivision
309.26 to read:

309.27 Subd. 4b. **Five-year disqualification.** (a) An individual is disqualified under section
309.28 245C.14 if: (1) less than five years have passed since the discharge of the sentence imposed,
309.29 if any, for the offense; and (2) the individual has committed a felony, gross misdemeanor,
309.30 or misdemeanor-level violation of any of the following offenses: section 152.021, subdivision
309.31 2 or 2a (controlled substance possession crime in the first degree; methamphetamine
309.32 manufacture crime); 152.022, subdivision 2 (controlled substance possession crime in the
309.33 second degree); 152.023, subdivision 2 (controlled substance possession crime in the third
310.1 degree); 152.024, subdivision 2 (controlled substance possession crime in the fourth degree);
310.2 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing controlled
310.3 substances across state borders); 152.0262 (possession of substances with intent to

310.4 manufacture methamphetamine); 152.027, subdivision 6, paragraph (c) (sale of synthetic
 310.5 cannabinoids); 152.096 (conspiracy to commit controlled substance crime); or 152.097
 310.6 (simulated controlled substances).

310.7 (b) An individual is disqualified under section 245C.14 if less than five years have passed
 310.8 since the individual's aiding and abetting, attempt, or conspiracy to commit any of the
 310.9 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes.

310.10 (c) An individual is disqualified under section 245C.14 if less than five years have passed
 310.11 since the discharge of the sentence imposed for an offense in any other state or country, the
 310.12 elements of which are substantially similar to the elements of any of the offenses listed in
 310.13 paragraph (a).

310.14 (d) When a disqualification is based on a judicial determination other than a conviction,
 310.15 the disqualification period begins from the date of the court order. When a disqualification
 310.16 is based on an admission, the disqualification period begins from the date of an admission
 310.17 in court. When a disqualification is based on an Alford plea, the disqualification period
 310.18 begins from the date the Alford plea is entered in court. When a disqualification is based
 310.19 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
 310.20 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
 310.21 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

310.22 **EFFECTIVE DATE.** This section is effective for background studies requested on or
 310.23 after August 1, 2024.

310.24 Sec. 35. Minnesota Statutes 2022, section 245C.17, subdivision 2, is amended to read:

310.25 Subd. 2. **Disqualification notice sent to subject.** (a) If the information in the study
 310.26 indicates the individual is disqualified from direct contact with, or from access to, persons
 310.27 served by the program, the commissioner shall disclose to the individual studied:

310.28 (1) the information causing disqualification;

310.29 (2) instructions on how to request a reconsideration of the disqualification;

310.30 (3) an explanation of any restrictions on the commissioner's discretion to set aside the
 310.31 disqualification under section 245C.24, when applicable to the individual;

311.1 (4) a statement that, if the individual's disqualification is set aside under section 245C.22,
 311.2 the applicant, license holder, or other entity that initiated the background study will be
 311.3 provided with the reason for the individual's disqualification and an explanation that the
 311.4 factors under section 245C.22, subdivision 4, which were the basis of the decision to set
 311.5 aside the disqualification shall be made available to the license holder upon request without
 311.6 the consent of the subject of the background study;

311.7 (5) a statement indicating that if the individual's disqualification is set aside or the facility
 311.8 is granted a variance under section 245C.30, the individual's identity and the reason for the

311.9 individual's disqualification will become public data under section 245C.22, subdivision 7,
311.10 when applicable to the individual;

311.11 ~~(6)~~ (4) a statement that when a subsequent background study is initiated on the individual
311.12 following a set-aside of the individual's disqualification, and the commissioner makes a
311.13 determination under section 245C.22, subdivision 5, paragraph (b), that the previous set-aside
311.14 applies to the subsequent background study, the applicant, license holder, or other entity
311.15 that initiated the background study will be informed in the notice under section 245C.22,
311.16 subdivision 5, paragraph (c);

311.17 ~~(i)~~ of the reason for the individual's disqualification; and

311.18 ~~(ii)~~ that the individual's disqualification is set aside for that program or agency; and

311.19 ~~(iii)~~ that information about the factors under section 245C.22, subdivision 4, that were
311.20 the basis of the decision to set aside the disqualification are available to the license holder
311.21 upon request without the consent of the background study subject; and

311.22 ~~(7)~~ (5) the commissioner's determination of the individual's immediate risk of harm
311.23 under section 245C.16.

311.24 (b) If the commissioner determines under section 245C.16 that an individual poses an
311.25 imminent risk of harm to persons served by the program where the individual will have
311.26 direct contact with, or access to, people receiving services, the commissioner's notice must
311.27 include an explanation of the basis of this determination.

311.28 (c) If the commissioner determines under section 245C.16 that an individual studied
311.29 does not pose a risk of harm that requires immediate removal, the individual shall be informed
311.30 of the conditions under which the agency that initiated the background study may allow the
311.31 individual to have direct contact with, or access to, people receiving services, as provided
311.32 under subdivision 3.

312.1 Sec. 36. Minnesota Statutes 2022, section 245C.17, subdivision 3, is amended to read:

312.2 Subd. 3. **Disqualification notification.** (a) The commissioner shall notify an applicant,
312.3 license holder, or other entity as provided in this chapter who is not the subject of the study:

312.4 (1) that the commissioner has found information that disqualifies the individual studied
312.5 from being in a position allowing direct contact with, or access to, people served by the
312.6 program; and

312.7 (2) the commissioner's determination of the individual's risk of harm under section
312.8 245C.16.

312.9 (b) If the commissioner determines under section 245C.16 that an individual studied
312.10 poses an imminent risk of harm to persons served by the program where the individual
312.11 studied will have direct contact with, or access to, people served by the program, the

312.12 commissioner shall order the license holder to immediately remove the individual studied
 312.13 from any position allowing direct contact with, or access to, people served by the program.

312.14 (c) If the commissioner determines under section 245C.16 that an individual studied
 312.15 poses a risk of harm that requires continuous, direct supervision, the commissioner shall
 312.16 order the applicant, license holder, or other entities as provided in this chapter to:

312.17 (1) immediately remove the individual studied from any position allowing direct contact
 312.18 with, or access to, people receiving services; or

312.19 (2) before allowing the disqualified individual to be in a position allowing direct contact
 312.20 with, or access to, people receiving services, the applicant, license holder, or other entity,
 312.21 as provided in this chapter, must:

312.22 (i) obtain from the disqualified individual a copy of the individual's notice of
 312.23 ~~disqualification from the commissioner that explains the reason for disqualification;~~

312.24 ~~(ii)~~ (i) ensure that the individual studied is under continuous, direct supervision when
 312.25 in a position allowing direct contact with, or access to, people receiving services during the
 312.26 period in which the individual may request a reconsideration of the disqualification under
 312.27 section 245C.21; and

312.28 ~~(iii)~~ (ii) ensure that the disqualified individual requests reconsideration within 30 days
 312.29 of receipt of the notice of disqualification.

312.30 (d) If the commissioner determines under section 245C.16 that an individual studied
 312.31 does not pose a risk of harm that requires continuous, direct supervision, the commissioner
 312.32 shall order the applicant, license holder, or other entities as provided in this chapter to:

313.1 (1) immediately remove the individual studied from any position allowing direct contact
 313.2 with, or access to, people receiving services; or

313.3 (2) before allowing the disqualified individual to be in any position allowing direct
 313.4 contact with, or access to, people receiving services, the applicant, license holder, or other
 313.5 entity as provided in this chapter must:

313.6 (i) obtain from the disqualified individual a copy of the individual's notice of
 313.7 ~~disqualification from the commissioner that explains the reason for disqualification; and~~

313.8 ~~(ii)~~ ensure that the disqualified individual requests reconsideration within 15 days of
 313.9 receipt of the notice of disqualification.

313.10 (e) The commissioner shall not notify the applicant, license holder, or other entity as
 313.11 provided in this chapter of the information contained in the subject's background study
 313.12 unless:

313.13 (1) the basis for the disqualification is failure to cooperate with the background study
 313.14 ~~or substantiated maltreatment under section 626.557 or chapter 260E;~~

313.15 (2) the Data Practices Act under chapter 13 provides for release of the information; or
313.16 (3) the individual studied authorizes the release of the information.

313.17 Sec. 37. Minnesota Statutes 2022, section 245C.17, subdivision 6, is amended to read:

313.18 Subd. 6. **Notice to county agency.** For studies on individuals related to a license to
313.19 provide adult foster care when the applicant or license holder resides in the adult foster care
313.20 residence and family adult day services and, effective upon implementation of NETStudy
313.21 2.0, family child care ~~and legal nonlicensed child care authorized under chapter 119B~~, the
313.22 commissioner shall also provide a notice of the background study results to the county
313.23 agency that initiated the background study.

313.24 **EFFECTIVE DATE.** This section is effective April 28, 2025.

313.25 Sec. 38. Minnesota Statutes 2022, section 245C.21, subdivision 1a, is amended to read:

313.26 Subd. 1a. **Submission of reconsideration request.** (a) For disqualifications related to
313.27 studies conducted by county agencies for family child care, and for disqualifications related
313.28 to studies conducted by the commissioner for child foster care, adult foster care, and family
313.29 adult day services when the applicant or license holder resides in the home where services
313.30 are provided, the individual shall submit the request for reconsideration to the county agency
313.31 that initiated the background study.

314.1 (b) For disqualifications related to studies conducted by the commissioner for child
314.2 foster care providers monitored by private licensing agencies under section 245A.16, the
314.3 individual shall submit the request for reconsideration to the private agency that initiated
314.4 the background study.

314.5 (c) A reconsideration request shall be submitted within 30 days of the individual's receipt
314.6 of the disqualification notice ~~or the time frames specified in subdivision 2, whichever time~~
314.7 ~~frame is shorter.~~

314.8 (d) The county or private agency shall forward the individual's request for reconsideration
314.9 and provide the commissioner with a recommendation whether to set aside the individual's
314.10 disqualification.

314.11 Sec. 39. Minnesota Statutes 2022, section 245C.21, subdivision 2, is amended to read:

314.12 Subd. 2. **Time frame for requesting reconsideration.** (a) When the commissioner
314.13 sends an individual a notice of disqualification based on a finding under section 245C.16,
314.14 subdivision 2, paragraph (a), clause (1) or (2), the disqualified individual must submit the
314.15 request for a reconsideration within 30 calendar days of the individual's receipt of the notice

THE FOLLOWING SECTION IS FROM H0238-3 ARTICLE 1.
H0238-3

28.15 Sec. 30. Minnesota Statutes 2022, section 245C.17, subdivision 6, is amended to read:

28.16 Subd. 6. **Notice to county agency.** For studies on individuals related to a license to
28.17 provide adult foster care when the applicant or license holder resides in the adult foster care
28.18 residence and family adult day services and, effective upon implementation of NETStudy
28.19 2.0, family child care ~~and legal nonlicensed child care authorized under chapter 119B~~, the
28.20 commissioner shall also provide a notice of the background study results to the county
28.21 agency that initiated the background study.

28.22 **EFFECTIVE DATE.** This section is effective April 28, 2025.

314.16 of disqualification. If mailed, the request for reconsideration must be postmarked and sent
314.17 to the commissioner within 30 calendar days of the individual's receipt of the notice of
314.18 disqualification. If a request for reconsideration is made by personal service, it must be
314.19 received by the commissioner within 30 calendar days after the individual's receipt of the
314.20 notice of disqualification. Upon showing that the information under subdivision 3 cannot
314.21 be obtained within 30 days, the disqualified individual may request additional time, not to
314.22 exceed 30 days, to obtain the information.

314.23 (b) When the commissioner sends an individual a notice of disqualification based on a
314.24 finding under section 245C.16, subdivision 2, paragraph (a), clause (3), the disqualified
314.25 individual must submit the request for reconsideration within ~~45~~ 30 calendar days of the
314.26 individual's receipt of the notice of disqualification. If mailed, the request for reconsideration
314.27 must be postmarked and sent to the commissioner within ~~45~~ 30 calendar days of the
314.28 individual's receipt of the notice of disqualification. If a request for reconsideration is made
314.29 by personal service, it must be received by the commissioner within ~~45~~ 30 calendar days
314.30 after the individual's receipt of the notice of disqualification.

314.31 (c) An individual who was determined to have maltreated a child under chapter 260E
314.32 or a vulnerable adult under section 626.557, and who is disqualified on the basis of serious
314.33 or recurring maltreatment, may request a reconsideration of both the maltreatment and the
314.34 disqualification determinations. The request must be submitted within 30 calendar days of
315.1 the individual's receipt of the notice of disqualification. If mailed, the request for
315.2 reconsideration must be postmarked and sent to the commissioner within 30 calendar days
315.3 of the individual's receipt of the notice of disqualification. If a request for reconsideration
315.4 is made by personal service, it must be received by the commissioner within 30 calendar
315.5 days after the individual's receipt of the notice of disqualification.

315.6 (d) Except for family child care and child foster care, reconsideration of a maltreatment
315.7 determination under sections 260E.33 and 626.557, subdivision 9d, and reconsideration of
315.8 a disqualification under section 245C.22, shall not be conducted when:

315.9 (1) a denial of a license under section 245A.05, or a licensing sanction under section
315.10 245A.07, is based on a determination that the license holder is responsible for maltreatment
315.11 or the disqualification of a license holder based on serious or recurring maltreatment;

315.12 (2) the denial of a license or licensing sanction is issued at the same time as the
315.13 maltreatment determination or disqualification; and

315.14 (3) the license holder appeals the maltreatment determination, disqualification, and
315.15 denial of a license or licensing sanction. In such cases, a fair hearing under section 256.045
315.16 must not be conducted under sections 245C.27, 260E.33, and 626.557, subdivision 9d.
315.17 Under section 245A.08, subdivision 2a, the scope of the consolidated contested case hearing
315.18 must include the maltreatment determination, disqualification, and denial of a license or
315.19 licensing sanction.

315.20 Notwithstanding clauses (1) to (3), if the license holder appeals the maltreatment
 315.21 determination or disqualification, but does not appeal the denial of a license or a licensing
 315.22 sanction, reconsideration of the maltreatment determination shall be conducted under sections
 315.23 260E.33 and 626.557, subdivision 9d, and reconsideration of the disqualification shall be
 315.24 conducted under section 245C.22. In such cases, a fair hearing shall also be conducted as
 315.25 provided under sections 245C.27, 260E.33, and 626.557, subdivision 9d.

315.26 Sec. 40. Minnesota Statutes 2022, section 245C.22, subdivision 7, is amended to read:

315.27 Subd. 7. **Classification of certain data.** (a) Notwithstanding section 13.46, except as
 315.28 provided in paragraph (4) (e), upon setting aside a disqualification under this section, the
 315.29 identity of the disqualified individual who received the set-aside and the individual's
 315.30 disqualifying characteristics are ~~public~~ private data if the set-aside was: on individuals, as
 315.31 defined in section 13.02, subdivision 12.

315.32 ~~(1) for any disqualifying characteristic under section 245C.15, except a felony-level~~
 315.33 ~~conviction for a drug-related offense within the past five years, when the set-aside relates~~
 316.1 ~~to a child care center or a family child care provider licensed under chapter 245A, certified~~
 316.2 ~~license-exempt child care center, or legal nonlicensed family child care; or~~

316.3 ~~(2) for a disqualifying characteristic under section 245C.15, subdivision 2.~~

316.4 (b) Notwithstanding section 13.46, upon granting a variance to a license holder under
 316.5 section 245C.30, the identity of the disqualified individual who is the subject of the variance,
 316.6 the individual's disqualifying characteristics under section 245C.15, and the terms of the
 316.7 variance are ~~public data, except as provided in paragraph (e), clause (6), when the variance:~~
 316.8 ~~private data on individuals, as defined in section 13.02, subdivision 12.~~

316.9 ~~(1) is issued to a child care center or a family child care provider licensed under chapter~~
 316.10 ~~245A; or~~

316.11 ~~(2) relates to an individual with a disqualifying characteristic under section 245C.15;~~
 316.12 ~~subdivision 2.~~

316.13 (c) The identity of a disqualified individual and the reason for disqualification remain
 316.14 private data when:

316.15 (1) a disqualification is not set aside and no variance is granted, except as provided under
 316.16 section 13.46, subdivision 4;

316.17 (2) the data are not public under paragraph (a) or (b);

316.18 (3) the disqualification is rescinded because the information relied upon to disqualify
 316.19 the individual is incorrect;

316.20 (4) the disqualification relates to a license to provide relative child foster care. As used
 316.21 in this clause, "relative" has the meaning given it under section 260C.007, subdivision 26b
 316.22 or 27;

316.23 (5) the disqualified individual is a household member of a licensed foster care provider
 316.24 and:

316.25 (i) the disqualified individual previously received foster care services from this licensed
 316.26 foster care provider;

316.27 (ii) the disqualified individual was subsequently adopted by this licensed foster care
 316.28 provider; and

316.29 (iii) the disqualifying act occurred before the adoption; or

317.1 (6) a variance is granted to a child care center or family child care license holder for an
 317.2 individual's disqualification that is based on a felony-level conviction for a drug-related
 317.3 offense that occurred within the past five years.

317.4 ~~(d) Licensed family child care providers and child care centers must provide notices as~~
 317.5 ~~required under section 245C.301.~~

317.6 ~~(e)~~ (d) Notwithstanding paragraphs (a) and (b), the identity of household members who
 317.7 are the subject of a disqualification related set-aside or variance is not public data if:

317.8 (1) the household member resides in the residence where the family child care is provided;

317.9 (2) the subject of the set-aside or variance is under the age of 18 years; and

317.10 (3) the set-aside or variance only relates to a disqualification under section 245C.15,
 317.11 subdivision 4, for a misdemeanor-level theft crime as defined in section 609.52.

317.12 ~~(f)~~ (e) When the commissioner has reason to know that a disqualified individual has
 317.13 received an order for expungement for the disqualifying record that does not limit the
 317.14 commissioner's access to the record, and the record was opened or exchanged with the
 317.15 commissioner for purposes of a background study under this chapter, the data that would
 317.16 otherwise become public under paragraph (a) or (b) remain private data.

317.17 Sec. 41. Minnesota Statutes 2022, section 245C.23, subdivision 1, is amended to read:

317.18 Subdivision 1. **Disqualification that is rescinded or set aside.** (a) If the commissioner
 317.19 rescinds or sets aside a disqualification, the commissioner shall notify the applicant, license
 317.20 holder, or other entity in writing or by electronic transmission of the decision.

317.21 (b) In the notice from the commissioner that a disqualification has been rescinded, the
 317.22 commissioner must inform the applicant, license holder, or other entity that the information
 317.23 relied upon to disqualify the individual was incorrect.

317.24 ~~(c) Except as provided in paragraphs (d) and (e), in the notice from the commissioner~~
 317.25 ~~that a disqualification has been set aside, the commissioner must inform the applicant,~~
 317.26 ~~license holder, or other entity of the reason for the individual's disqualification and that~~
 317.27 ~~information about which factors under section 245C.22, subdivision 4, were the basis of~~

317.28 the decision to set aside the disqualification are available to the license holder upon request
317.29 without the consent of the background study subject.

317.30 (d) When the commissioner has reason to know that a disqualified individual has received
317.31 an order for expungement for the disqualifying record that does not limit the commissioner's
317.32 access to the record, and the record was opened or exchanged with the commissioner for
318.1 purposes of a background study under this chapter, the information provided under paragraph
318.2 (e) must only inform the applicant, license holder, or other entity that the disqualifying
318.3 criminal record is sealed under a court order.

318.4 (e) The notification requirements in paragraph (c) do not apply when the set aside is
318.5 granted to an individual related to a background study for a licensed child care center,
318.6 certified license-exempt child care center, or family child care license holder, or for a legal
318.7 nonlicensed child care provider authorized under chapter 119B, and the individual is
318.8 disqualified for a felony-level conviction for a drug-related offense that occurred within the
318.9 past five years. The notice that the individual's disqualification is set aside must inform the
318.10 applicant, license holder, or legal nonlicensed child care provider that the disqualifying
318.11 criminal record is not public.

318.12 Sec. 42. Minnesota Statutes 2022, section 245C.23, subdivision 2, is amended to read:

318.13 Subd. 2. **Commissioner's notice of disqualification that is not set aside.** (a) The
318.14 commissioner shall notify the license holder of the disqualification and order the license
318.15 holder to immediately remove the individual from any position allowing direct contact with
318.16 persons receiving services from the license holder if:

318.17 (1) the individual studied does not submit a timely request for reconsideration under
318.18 section 245C.21;

318.19 (2) the individual submits a timely request for reconsideration, but the commissioner
318.20 does not set aside the disqualification for that license holder under section 245C.22, unless
318.21 the individual has a right to request a hearing under section 245C.27, 245C.28, or 256.045;

318.22 (3) an individual who has a right to request a hearing under sections 245C.27 and 256.045,
318.23 or 245C.28 and chapter 14 for a disqualification that has not been set aside, does not request
318.24 a hearing within the specified time; or

318.25 (4) an individual submitted a timely request for a hearing under sections 245C.27 and
318.26 256.045, or 245C.28 and chapter 14, but the commissioner does not set aside the
318.27 disqualification under section 245A.08, subdivision 5, or 256.045.

318.28 (b) If the commissioner does not set aside the disqualification under section 245C.22,
318.29 and the license holder was previously ordered under section 245C.17 to immediately remove
318.30 the disqualified individual from direct contact with persons receiving services or to ensure

THE FOLLOWING SECTION IS FROM H0238-3 ARTICLE 1.

28.23 Sec. 31. Minnesota Statutes 2022, section 245C.23, subdivision 2, is amended to read:

28.24 Subd. 2. **Commissioner's notice of disqualification that is not set aside.** (a) The
28.25 commissioner shall notify the license holder of the disqualification and order the license
28.26 holder to immediately remove the individual from any position allowing direct contact with
28.27 persons receiving services from the license holder if:

28.28 (1) the individual studied does not submit a timely request for reconsideration under
28.29 section 245C.21;

29.1 (2) the individual submits a timely request for reconsideration, but the commissioner
29.2 does not set aside the disqualification for that license holder under section 245C.22, unless
29.3 the individual has a right to request a hearing under section 245C.27, 245C.28, or 256.045;

29.4 (3) an individual who has a right to request a hearing under sections 245C.27 and 256.045,
29.5 or 245C.28 and chapter 14 for a disqualification that has not been set aside, does not request
29.6 a hearing within the specified time; or

29.7 (4) an individual submitted a timely request for a hearing under sections 245C.27 and
29.8 256.045, or 245C.28 and chapter 14, but the commissioner does not set aside the
29.9 disqualification under section 245A.08, subdivision 5, or 256.045.

29.10 (b) If the commissioner does not set aside the disqualification under section 245C.22,
29.11 and the license holder was previously ordered under section 245C.17 to immediately remove
29.12 the disqualified individual from direct contact with persons receiving services or to ensure

318.31 that the individual is under continuous, direct supervision when providing direct contact
 318.32 services, the order remains in effect pending the outcome of a hearing under sections 245C.27
 318.33 and 256.045, or 245C.28 and chapter 14.

319.1 (c) If the commissioner does not set aside the disqualification under section 245C.22,
 319.2 and the license holder was not previously ordered under section 245C.17 to immediately
 319.3 remove the disqualified individual from direct contact with persons receiving services or
 319.4 to ensure that the individual is under continuous direct supervision when providing direct
 319.5 contact services, the commissioner shall order the individual to remain under continuous
 319.6 direct supervision pending the outcome of a hearing under sections 245C.27 and 256.045,
 319.7 or 245C.28 and chapter 14.

319.8 (d) For background studies related to child foster care when the applicant or license
 319.9 holder resides in the home where services are provided, the commissioner shall also notify
 319.10 the county or private agency that initiated the study of the results of the reconsideration.

319.11 (e) For background studies related to family child care, ~~legal nonlicensed child care,~~
 319.12 adult foster care programs when the applicant or license holder resides in the home where
 319.13 services are provided, and family adult day services, the commissioner shall also notify the
 319.14 county that initiated the study of the results of the reconsideration.

319.15 **EFFECTIVE DATE.** This section is effective April 28, 2025.

319.16 Sec. 43. Minnesota Statutes 2022, section 245C.24, subdivision 2, is amended to read:

319.17 Subd. 2. **Permanent bar to set aside a disqualification.** (a) Except as provided in
 319.18 paragraphs (b) to (g), the commissioner may not set aside the disqualification of any
 319.19 individual disqualified pursuant to this chapter, regardless of how much time has passed,
 319.20 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
 319.21 1.

319.22 (b) For an individual in the substance use disorder or corrections field who was
 319.23 disqualified for a crime or conduct listed under section 245C.15, subdivision 1, and whose
 319.24 disqualification was set aside prior to July 1, 2005, the commissioner must consider granting
 319.25 a variance pursuant to section 245C.30 for the license holder for a program dealing primarily
 319.26 with adults. A request for reconsideration evaluated under this paragraph must include a
 319.27 letter of recommendation from the license holder that was subject to the prior set-aside
 319.28 decision addressing the individual's quality of care to children or vulnerable adults and the
 319.29 circumstances of the individual's departure from that service.

319.30 (c) If an individual who requires a background study for nonemergency medical
 319.31 transportation services under section 245C.03, subdivision 12, was disqualified for a crime
 319.32 or conduct listed under section 245C.15, subdivision 1, and if more than 40 years have
 319.33 passed since the discharge of the sentence imposed, the commissioner may consider granting
 320.1 a set-aside pursuant to section 245C.22. A request for reconsideration evaluated under this
 320.2 paragraph must include a letter of recommendation from the employer. This paragraph does
 320.3 not apply to a person disqualified based on a violation of sections 243.166; 609.185 to

29.13 that the individual is under continuous, direct supervision when providing direct contact
 29.14 services, the order remains in effect pending the outcome of a hearing under sections 245C.27
 29.15 and 256.045, or 245C.28 and chapter 14.

29.16 (c) If the commissioner does not set aside the disqualification under section 245C.22,
 29.17 and the license holder was not previously ordered under section 245C.17 to immediately
 29.18 remove the disqualified individual from direct contact with persons receiving services or
 29.19 to ensure that the individual is under continuous direct supervision when providing direct
 29.20 contact services, the commissioner shall order the individual to remain under continuous
 29.21 direct supervision pending the outcome of a hearing under sections 245C.27 and 256.045,
 29.22 or 245C.28 and chapter 14.

29.23 (d) For background studies related to child foster care when the applicant or license
 29.24 holder resides in the home where services are provided, the commissioner shall also notify
 29.25 the county or private agency that initiated the study of the results of the reconsideration.

29.26 (e) For background studies related to family child care, ~~legal nonlicensed child care,~~
 29.27 adult foster care programs when the applicant or license holder resides in the home where
 29.28 services are provided, and family adult day services, the commissioner shall also notify the
 29.29 county that initiated the study of the results of the reconsideration.

29.30 **EFFECTIVE DATE.** This section is effective April 28, 2025.

320.4 609.205; 609.25; 609.342 to 609.3453; 609.352; 617.23, subdivision 2, clause (1), or 3,
320.5 clause (1); 617.246; or 617.247.

320.6 (d) When a licensed foster care provider adopts an individual who had received foster
320.7 care services from the provider for over six months, and the adopted individual is required
320.8 to receive a background study under section 245C.03, subdivision 1, paragraph (a), clause
320.9 (2) or (6), the commissioner may grant a variance to the license holder under section 245C.30
320.10 to permit the adopted individual with a permanent disqualification to remain affiliated with
320.11 the license holder under the conditions of the variance when the variance is recommended
320.12 by the county of responsibility for each of the remaining individuals in placement in the
320.13 home and the licensing agency for the home.

320.14 (e) For an individual 18 years of age or older affiliated with a licensed family foster
320.15 setting, the commissioner must not set aside or grant a variance for the disqualification of
320.16 any individual disqualified pursuant to this chapter, regardless of how much time has passed,
320.17 if the individual was disqualified for a crime or conduct listed in section 245C.15, subdivision
320.18 4a, paragraphs (a) and (b).

320.19 (f) In connection with a family foster setting license, the commissioner may grant a
320.20 variance to the disqualification for an individual who is under 18 years of age at the time
320.21 the background study is submitted.

320.22 (g) The commissioner may set aside or grant a variance for any disqualification that is
320.23 based on conduct or a conviction in an individual's juvenile record.

320.24 Sec. 44. Minnesota Statutes 2022, section 245C.30, subdivision 2, is amended to read:

320.25 Subd. 2. **Disclosure of reason for disqualification.** (a) The commissioner may not grant
320.26 a variance for a disqualified individual unless the applicant, license-exempt child care center
320.27 certification holder, or license holder requests the variance and the disqualified individual
320.28 provides written consent for the commissioner to disclose to the applicant, license-exempt
320.29 child care center certification holder, or license holder the reason for the disqualification.

320.30 (b) This subdivision does not apply to programs licensed to provide family child care
320.31 for children, foster care for children in the provider's own home, or foster care or day care
320.32 services for adults in the provider's own home. ~~When the commissioner grants a variance~~
320.33 ~~for a disqualified individual in connection with a license to provide the services specified~~
321.1 ~~in this paragraph, the disqualified individual's consent is not required to disclose the reason~~
321.2 ~~for the disqualification to the license holder in the variance issued under subdivision 1,~~
321.3 ~~provided that the commissioner may not disclose the reason for the disqualification if the~~
321.4 ~~disqualification is based on a felony level conviction for a drug-related offense within the~~
321.5 ~~past five years.~~

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321.6 Sec. 45. Minnesota Statutes 2022, section 245C.32, subdivision 2, is amended to read:

321.7 Subd. 2. **Use.** (a) The commissioner may also use these systems and records to obtain
321.8 and provide criminal history data from the Bureau of Criminal Apprehension, criminal
321.9 history data held by the commissioner, and data about substantiated maltreatment under
321.10 section 626.557 or chapter 260E, for other purposes, provided that:

321.11 (1) the background study is specifically authorized in statute; or

321.12 (2) the request is made with the informed consent of the subject of the study as provided
321.13 in section 13.05, subdivision 4.

321.14 (b) An individual making a request under paragraph (a), clause (2), must agree in writing
321.15 not to disclose the data to any other individual without the consent of the subject of the data.

321.16 (c) The commissioner may use these systems to share background study documentation
321.17 electronically with entities and individuals who are the subject of a background study.

321.18 (d) The commissioner may recover the cost of obtaining and providing background study
321.19 data by charging the individual or entity requesting the study a fee of no more than \$42 per
321.20 study as described in section 245C.10. The fees collected under this paragraph are
321.21 appropriated to the commissioner for the purpose of conducting background studies.

321.22 Sec. 46. Minnesota Statutes 2022, section 524.5-118, is amended to read:

321.23 **524.5-118 BACKGROUND STUDY MALTREATMENT AND STATE LICENSING**
321.24 **AGENCY CHECKS; CRIMINAL HISTORY CHECK.**

321.25 Subdivision 1. **When required; exception.** (a) The court shall require a background
321.26 study maltreatment and state licensing agency checks and a criminal history check under
321.27 this section:

321.28 (1) before the appointment of a guardian or conservator, unless a background study has
321.29 maltreatment and state licensing agency checks and a criminal history check have been
321.30 done on the person under this section within the previous five years; and

322.1 (2) once every five years after the appointment, if the person continues to serve as a
322.2 guardian or conservator.

322.3 (b) The background study maltreatment and state licensing agency checks and the
322.4 criminal history check must include:

322.5 (1) criminal history data from the Bureau of Criminal Apprehension, ~~other criminal~~
322.6 ~~history data held by the commissioner of human services, and data regarding whether the~~
322.7 ~~person has been a perpetrator of substantiated maltreatment of a vulnerable adult or minor;~~

356.16 Sec. 30. Minnesota Statutes 2022, section 245C.32, subdivision 2, is amended to read:

356.17 Subd. 2. **Use.** (a) The commissioner may also use these systems and records to obtain
356.18 and provide criminal history data from the Bureau of Criminal Apprehension, criminal
356.19 history data held by the commissioner, and data about substantiated maltreatment under
356.20 section 626.557 or chapter 260E, for other purposes, provided that:

356.21 (1) the background study is specifically authorized in statute; or

356.22 (2) the request is made with the informed consent of the subject of the study as provided
356.23 in section 13.05, subdivision 4.

356.24 (b) An individual making a request under paragraph (a), clause (2), must agree in writing
356.25 not to disclose the data to any other individual without the consent of the subject of the data.

356.26 (c) The commissioner may use these systems to share background study documentation
356.27 electronically with entities and individuals who are the subject of a background study.

356.28 ~~(e)~~ (d) The commissioner may recover the cost of obtaining and providing background
356.29 study data by charging the individual or entity requesting the study a fee of no more than
356.30 \$42 per study as described in section 245C.10. The fees collected under this paragraph are
356.31 appropriated to the commissioner for the purpose of conducting background studies.

357.1 Sec. 31. Minnesota Statutes 2022, section 524.5-118, is amended to read:

357.2 **524.5-118 BACKGROUND STUDY MALTREATMENT AND STATE LICENSING**
357.3 **AGENCY CHECKS; CRIMINAL HISTORY CHECK.**

357.4 Subdivision 1. **When required; exception.** (a) The court shall require a background
357.5 study maltreatment and state licensing agency checks and a criminal history check under
357.6 this section:

357.7 (1) before the appointment of a guardian or conservator, unless a background study has
357.8 maltreatment and state licensing agency checks and a criminal history check have been
357.9 done on the person under this section within the previous five years; and

357.10 (2) once every five years after the appointment, if the person continues to serve as a
357.11 guardian or conservator.

357.12 (b) The background study maltreatment and state licensing agency checks and criminal
357.13 history check under this section must include:

357.14 (1) criminal history data from the Bureau of Criminal Apprehension, ~~other criminal~~
357.15 ~~history data held by the commissioner of human services, and data regarding whether the~~
357.16 ~~person has been a perpetrator of substantiated maltreatment of a vulnerable adult or minor;~~

322.8 (2) criminal history data from a national criminal history record check ~~as defined in~~
 322.9 ~~section 245C.02, subdivision 13e; and~~

322.10 (3) state licensing agency data if a search of the database or databases of the agencies
 322.11 listed in subdivision 2a shows that the proposed guardian or conservator has ever held a
 322.12 professional license directly related to the responsibilities of a professional fiduciary from
 322.13 an agency listed in subdivision 2a that was conditioned, suspended, revoked, or canceled;
 322.14 and

322.15 (4) data on whether the person has been a perpetrator of substantiated maltreatment of
 322.16 a vulnerable adult or a minor.

322.17 (c) If the guardian or conservator is not an individual, the ~~background study maltreatment~~
 322.18 and state licensing agency checks and the criminal history check must be done on all
 322.19 individuals currently employed by the proposed guardian or conservator who will be
 322.20 responsible for exercising powers and duties under the guardianship or conservatorship.

322.21 (d) Notwithstanding paragraph (a), if the court determines that it would be in the best
 322.22 interests of the person subject to guardianship or conservatorship to appoint a guardian or
 322.23 conservator before the background study maltreatment and state licensing agency checks
 322.24 and the criminal history check can be completed, the court may make the appointment
 322.25 pending the results of the study, however, the background study maltreatment and state
 322.26 licensing agency checks and the criminal history check must then be completed as soon as
 322.27 reasonably possible after appointment; no later than 30 days after appointment.

322.28 (e) The fee fees for background studies the maltreatment and state licensing agency
 322.29 checks and the criminal history check conducted under this section is are specified in section
 322.30 sections 245C.10, subdivision 14 15, and 299C.10, subdivisions 4 and 5. The fee fees for
 322.31 conducting a background study maltreatment and state licensing agency checks and the
 322.32 criminal history check for the appointment of a professional guardian or conservator must
 322.33 be paid by the guardian or conservator. In other cases, the fee must be paid as follows:

323.1 (1) if the matter is proceeding in forma pauperis, the fee is an expense for purposes of
 323.2 section 524.5-502, paragraph (a);

323.3 (2) if there is an estate of the person subject to guardianship or conservatorship, the fee
 323.4 must be paid from the estate; or

323.5 (3) in the case of a guardianship or conservatorship of the person that is not proceeding
 323.6 in forma pauperis, the court may order that the fee be paid by the guardian or conservator
 323.7 or by the court.

323.8 (f) The requirements of this subdivision do not apply if the guardian or conservator is:

323.9 (1) a state agency or county;

323.10 (2) a parent or guardian of a person proposed to be subject to guardianship or
 323.11 conservatorship who has a developmental disability, if the parent or guardian has raised the

357.17 (2) criminal history data from a national criminal history record check ~~as defined in~~
 357.18 ~~section 245C.02, subdivision 13e; and~~

357.19 (3) state licensing agency data if a search of the database or databases of the agencies
 357.20 listed in subdivision 2a shows that the proposed guardian or conservator has ever held a
 357.21 professional license directly related to the responsibilities of a professional fiduciary from
 357.22 an agency listed in subdivision 2a that was conditioned, suspended, revoked, or canceled;
 357.23 and

357.24 (4) data regarding whether the person has been a perpetrator of substantiated maltreatment
 357.25 of a vulnerable adult or minor.

357.26 (c) If the guardian or conservator is not an individual, the ~~background study maltreatment~~
 357.27 and state licensing agency checks and criminal history check must be done on all individuals
 357.28 currently employed by the proposed guardian or conservator who will be responsible for
 357.29 exercising powers and duties under the guardianship or conservatorship.

357.30 (d) Notwithstanding paragraph (a), if the court determines that it would be in the best
 357.31 interests of the person subject to guardianship or conservatorship to appoint a guardian or
 357.32 conservator before the background study maltreatment and state licensing agency checks
 358.1 and criminal history check can be completed, the court may make the appointment pending
 358.2 the results of the study checks, however, the background study maltreatment and state
 358.3 licensing agency checks and criminal history check must then be completed as soon as
 358.4 reasonably possible after appointment; no later than 30 days after appointment.

358.5 (e) The fee fees for background studies the maltreatment and state licensing agency
 358.6 checks and the criminal history check conducted under this section is are specified in section
 358.7 sections 245C.10, subdivision 14 15, and 299C.10, subdivisions 4 and 5. The fee fees for
 358.8 conducting a background study the checks for appointment of a professional guardian or
 358.9 conservator must be paid by the guardian or conservator. In other cases, the fee must be
 358.10 paid as follows:

358.11 (1) if the matter is proceeding in forma pauperis, the fee is an expense for purposes of
 358.12 section 524.5-502, paragraph (a);

358.13 (2) if there is an estate of the person subject to guardianship or conservatorship, the fee
 358.14 must be paid from the estate; or

358.15 (3) in the case of a guardianship or conservatorship of the person that is not proceeding
 358.16 in forma pauperis, the court may order that the fee be paid by the guardian or conservator
 358.17 or by the court.

358.18 (f) The requirements of this subdivision do not apply if the guardian or conservator is:

358.19 (1) a state agency or county;

358.20 (2) a parent or guardian of a person proposed to be subject to guardianship or
 358.21 conservatorship who has a developmental disability, if the parent or guardian has raised the

323.12 person proposed to be subject to guardianship or conservatorship in the family home until
 323.13 the time the petition is filed, unless counsel appointed for the person proposed to be subject
 323.14 to guardianship or conservatorship under section 524.5-205, paragraph (e); 524.5-304,
 323.15 paragraph (b); 524.5-405, paragraph (a); or 524.5-406, paragraph (b), recommends a
 323.16 background ~~study~~ check; or

323.17 (3) a bank with trust powers, bank and trust company, or trust company, organized under
 323.18 the laws of any state or of the United States and which is regulated by the commissioner of
 323.19 commerce or a federal regulator.

323.20 Subd. 2. **Procedure; ~~criminal history and maltreatment records background~~**
 323.21 **~~maltreatment and state licensing agency checks and criminal history~~ check.** (a) The
 323.22 ~~court~~ guardian or conservator shall request the ~~commissioner of human services to~~ Bureau
 323.23 of Criminal Apprehension complete a ~~background study under section 245C.32~~ criminal
 323.24 history check. The request must be accompanied by the applicable fee and acknowledgment
 323.25 that the ~~study subject~~ guardian or conservator received a privacy notice ~~required under~~
 323.26 ~~subdivision 3. The commissioner of human services~~ Bureau of Criminal Apprehension shall
 323.27 conduct a national criminal history record check. The ~~study subject~~ guardian or conservator
 323.28 shall submit a set of classifiable fingerprints. The fingerprints must be recorded on a
 323.29 fingerprint card provided by the ~~commissioner of human services~~ Bureau of Criminal
 323.30 Apprehension.

323.31 (b) The ~~commissioner of human services~~ Bureau of Criminal Apprehension shall provide
 323.32 the court with criminal history data as defined in section 13.87 ~~from the Bureau of Criminal~~
 323.33 ~~Apprehension in the Department of Public Safety, other criminal history data held by the~~
 324.1 ~~commissioner of human services, data regarding substantiated maltreatment of vulnerable~~
 324.2 ~~adults under section 626.557, and substantiated maltreatment of minors under chapter 260E,~~
 324.3 and criminal history information from other states or jurisdictions as indicated from a national
 324.4 criminal history record check within 20 working days of receipt of a request. ~~If the subject~~
 324.5 ~~of the study has been the perpetrator of substantiated maltreatment of a vulnerable adult or~~
 324.6 ~~minor, the response must include a copy of the public portion of the investigation~~
 324.7 ~~memorandum under section 626.557, subdivision 12b, or the public portion of the~~
 324.8 ~~investigation memorandum under section 260E.30. The commissioner shall provide the~~
 324.9 ~~court with information from a review of information according to subdivision 2a if the study~~
 324.10 ~~subject provided information indicating current or prior affiliation with a state licensing~~
 324.11 ~~agency.~~

324.12 (c) In accordance with section 245C.033, the commissioner of human services shall
 324.13 provide the court with data regarding substantiated maltreatment of vulnerable adults under
 324.14 section 626.557 and substantiated maltreatment of minors under chapter 260E within 25
 324.15 working days of receipt of a request. If the guardian or conservator has been the perpetrator
 324.16 of substantiated maltreatment of a vulnerable adult or minor, the response must include a
 324.17 copy of any available public portion of the investigation memorandum under section 626.557,

358.22 person proposed to be subject to guardianship or conservatorship in the family home until
 358.23 the time the petition is filed, unless counsel appointed for the person proposed to be subject
 358.24 to guardianship or conservatorship under section 524.5-205, paragraph (e); 524.5-304,
 358.25 paragraph (b); 524.5-405, paragraph (a); or 524.5-406, paragraph (b), recommends a
 358.26 background ~~study~~ check; or

358.27 (3) a bank with trust powers, bank and trust company, or trust company, organized under
 358.28 the laws of any state or of the United States and which is regulated by the commissioner of
 358.29 commerce or a federal regulator.

358.30 Subd. 2. **Procedure; maltreatment and state licensing agency checks and criminal**
 358.31 **history ~~and maltreatment records background~~ check.** (a) The ~~court~~ guardian or
 358.32 conservator shall request ~~that~~ the ~~commissioner of human services to~~ Bureau of Criminal
 358.33 Apprehension complete a ~~background study under section 245C.32~~ criminal history check.
 359.1 The request must be accompanied by the applicable fee and acknowledgment that the ~~study~~
 359.2 ~~subject~~ guardian or conservator received a privacy notice ~~required under subdivision 3. The~~
 359.3 ~~commissioner of human services~~ Bureau of Criminal Apprehension shall conduct a national
 359.4 criminal history record check. The ~~study subject~~ guardian or conservator shall submit a set
 359.5 of classifiable fingerprints. The fingerprints must be recorded on a fingerprint card provided
 359.6 by the ~~commissioner of human services~~ Bureau of Criminal Apprehension.

359.7 (b) The ~~commissioner of human services~~ Bureau of Criminal Apprehension shall provide
 359.8 the court with criminal history data as defined in section 13.87 ~~from the Bureau of Criminal~~
 359.9 ~~Apprehension in the Department of Public Safety, other criminal history data held by the~~
 359.10 ~~commissioner of human services, data regarding substantiated maltreatment of vulnerable~~
 359.11 ~~adults under section 626.557, and substantiated maltreatment of minors under chapter 260E,~~
 359.12 and criminal history information from other states or jurisdictions as indicated from a national
 359.13 criminal history record check within 20 working days of receipt of a request. In accordance
 359.14 with section 245C.033, the commissioner of human services shall provide the court with
 359.15 data regarding substantiated maltreatment of vulnerable adults under section 626.557, and
 359.16 substantiated maltreatment of minors under chapter 260E within 25 working days of receipt
 359.17 of a request. If the ~~subject of the study~~ guardian or conservator has been the perpetrator of
 359.18 substantiated maltreatment of a vulnerable adult or minor, the response must include a copy
 359.19 of ~~the~~ any available public portion of the investigation memorandum under section 626.557,
 359.20 subdivision 12b, or ~~the~~ any available public portion of the investigation memorandum under
 359.21 section 260E.30. ~~The commissioner shall provide the court with information from a review~~
 359.22 of information according to subdivision 2a if the study subject provided information
 359.23 indicating current or prior affiliation with a state licensing agency.

324.18 subdivision 12b, or any available public portion of the investigation memorandum under
324.19 section 260E.30.

324.20 ~~(d)~~ Notwithstanding section 260E.30 or 626.557, subdivision 12b, if the commissioner
324.21 of human services or a county lead agency or lead investigative agency has information that
324.22 a person ~~on whom a background study was previously done~~ under this section has been
324.23 determined to be a perpetrator of maltreatment of a vulnerable adult or minor, the
324.24 commissioner or the county may provide this information to the court that ~~requested the~~
324.25 ~~background study.~~ The commissioner may also provide the court with additional criminal
324.26 ~~history or substantiated maltreatment information that becomes available after the background~~
324.27 ~~study is done~~ is determining eligibility for the guardian or conservator.

324.28 Subd. 2a. **Procedure; state licensing agency data.** (a) ~~The court shall request~~ In response
324.29 to a request submitted under section 245C.033, the commissioner of human services to shall
324.30 provide the court within 25 working days of receipt of the request with licensing agency
324.31 data for licenses directly related to the responsibilities of a professional fiduciary if the study
324.32 subject indicates guardian or conservator has a current or prior affiliation from the following
324.33 agencies in Minnesota:

- 324.34 (1) Lawyers Responsibility Board;
- 325.1 (2) State Board of Accountancy;
- 325.2 (3) Board of Social Work;
- 325.3 (4) Board of Psychology;
- 325.4 (5) Board of Nursing;
- 325.5 (6) Board of Medical Practice;
- 325.6 (7) Department of Education;
- 325.7 (8) Department of Commerce;
- 325.8 (9) Board of Chiropractic Examiners;
- 325.9 (10) Board of Dentistry;
- 325.10 (11) Board of Marriage and Family Therapy;
- 325.11 (12) Department of Human Services;
- 325.12 (13) Peace Officer Standards and Training (POST) Board; and
- 325.13 (14) Professional Educator Licensing and Standards Board.

325.14 ~~(b) The commissioner shall enter into agreements with these agencies to provide the~~
325.15 ~~commissioner with electronic access to the relevant licensing data, and to provide the~~
325.16 ~~commissioner with a quarterly list of new sanctions issued by the agency.~~

359.24 ~~(c)~~ Notwithstanding section 260E.30 or 626.557, subdivision 12b, if the commissioner
359.25 of human services or a county lead agency or lead investigative agency has information that
359.26 a person ~~on whom a background study was previously done~~ under this section has been
359.27 determined to be a perpetrator of maltreatment of a vulnerable adult or minor, the
359.28 commissioner or the county may provide this information to the court that ~~requested the~~
359.29 ~~background study~~ is determining eligibility for the guardian or conservator. ~~The commissioner~~
359.30 ~~may also provide the court with additional criminal history or substantiated maltreatment~~
359.31 ~~information that becomes available after the background study is done.~~

359.32 Subd. 2a. **Procedure; state licensing agency data.** (a) In response to a request submitted
359.33 under section 245C.033, the court shall request the ~~commissioner of human services to shall~~
359.34 provide the court within 25 working days of receipt of the request with licensing agency
359.35 data for licenses directly related to the responsibilities of a professional fiduciary if the study
360.1 subject indicates guardian or conservator has a current or prior affiliation from with any of
360.2 the following agencies in Minnesota:

- 360.3 (1) Lawyers Responsibility Board;
- 360.4 (2) State Board of Accountancy;
- 360.5 (3) Board of Social Work;
- 360.6 (4) Board of Psychology;
- 360.7 (5) Board of Nursing;
- 360.8 (6) Board of Medical Practice;
- 360.9 (7) Department of Education;
- 360.10 (8) Department of Commerce;
- 360.11 (9) Board of Chiropractic Examiners;
- 360.12 (10) Board of Dentistry;
- 360.13 (11) Board of Marriage and Family Therapy;
- 360.14 (12) Department of Human Services;
- 360.15 (13) Peace Officer Standards and Training (POST) Board; and
- 360.16 (14) Professional Educator Licensing and Standards Board.

360.17 ~~(b) The commissioner shall enter into agreements with these agencies to provide the~~
360.18 ~~commissioner with electronic access to the relevant licensing data, and to provide the~~
360.19 ~~commissioner with a quarterly list of new sanctions issued by the agency.~~

325.17 ~~(e)~~ The commissioner shall provide information to the court ~~the electronically available~~
 325.18 ~~data maintained in the agency's database, including whether the proposed guardian or~~
 325.19 ~~conservator is or has been licensed by the agency, and if the licensing agency database~~
 325.20 ~~indicates a disciplinary action or a sanction against the individual's license, including a~~
 325.21 ~~condition, suspension, revocation, or cancellation~~ in accordance with section 245C.033.

325.22 ~~(d)~~ If the proposed guardian or conservator has resided in a state other than Minnesota
 325.23 ~~in the previous ten years, licensing agency data under this section shall also include the~~
 325.24 ~~licensing agency data from any other state where the proposed guardian or conservator~~
 325.25 ~~reported to have resided during the previous ten years if the study subject indicates current~~
 325.26 ~~or prior affiliation. If the proposed guardian or conservator has or has had a professional~~
 325.27 ~~license in another state that is directly related to the responsibilities of a professional fiduciary~~
 325.28 ~~from one of the agencies listed under paragraph (a), state licensing agency data shall also~~
 325.29 ~~include data from the relevant licensing agency of that state.~~

326.1 ~~(e)~~ The commissioner is not required to repeat a search for Minnesota or out-of-state
 326.2 ~~licensing data on an individual if the commissioner has provided this information to the~~
 326.3 ~~court within the prior five years.~~

326.4 ~~(f)~~ The commissioner shall review the information in paragraph (e) at least once every
 326.5 ~~four months to determine if an individual who has been studied within the previous five~~
 326.6 ~~years.~~

326.7 ~~(1)~~ has new disciplinary action or sanction against the individual's license; or

326.8 ~~(2)~~ did not disclose a prior or current affiliation with a Minnesota licensing agency.

326.9 ~~(g)~~ If the commissioner's review in paragraph (f) identifies new information, the
 326.10 ~~commissioner shall provide any new information to the court.~~

326.11 Subd. 3. **Forms and systems.** ~~The court~~ In accordance with section 245C.033, the
 326.12 ~~commissioner must provide the study subject guardian or conservator with a privacy notice~~
 326.13 ~~for maltreatment and state licensing agency checks that complies with section 245C.05,~~
 326.14 ~~subdivision 2c. The commissioner of human services shall use the NETStudy 2.0 system~~
 326.15 ~~to conduct a background study under this section 13.04, subdivision 2. The Bureau of~~
 326.16 ~~Criminal Apprehension must provide the guardian or conservator with a privacy notice for~~
 326.17 ~~a criminal history check.~~

326.18 Subd. 4. **Rights.** The court shall notify the ~~subject of a background study~~ guardian or
 326.19 ~~conservator that the subject~~ guardian or conservator has the following rights:

326.20 (1) the right to be informed that the court will request ~~a background study on the subject~~
 326.21 ~~maltreatment and state licensing checks and a criminal history check on the guardian or~~
 326.22 ~~conservator for the purpose of determining whether the person's appointment or continued~~
 326.23 ~~appointment is in the best interests of the person subject to guardianship or conservatorship;~~

326.24 (2) the right to be informed of the results of the ~~study~~ checks and to obtain from the
 326.25 court a copy of the results; and

360.20 ~~(e)~~ (b) The commissioner shall provide information to the court ~~the electronically~~
 360.21 ~~available data maintained in the agency's database, including whether the proposed guardian~~
 360.22 ~~or conservator is or has been licensed by the agency, and if the licensing agency database~~
 360.23 ~~indicates a disciplinary action or a sanction against the individual's license, including a~~
 360.24 ~~condition, suspension, revocation, or cancellation~~ in accordance with section 245C.033.

360.25 ~~(d)~~ If the proposed guardian or conservator has resided in a state other than Minnesota
 360.26 ~~in the previous ten years, licensing agency data under this section shall also include the~~
 360.27 ~~licensing agency data from any other state where the proposed guardian or conservator~~
 360.28 ~~reported to have resided during the previous ten years if the study subject indicates current~~
 360.29 ~~or prior affiliation. If the proposed guardian or conservator has or has had a professional~~
 360.30 ~~license in another state that is directly related to the responsibilities of a professional fiduciary~~
 361.1 ~~from one of the agencies listed under paragraph (a), state licensing agency data shall also~~
 361.2 ~~include data from the relevant licensing agency of that state.~~

361.3 ~~(e)~~ The commissioner is not required to repeat a search for Minnesota or out-of-state
 361.4 ~~licensing data on an individual if the commissioner has provided this information to the~~
 361.5 ~~court within the prior five years.~~

361.6 ~~(f)~~ The commissioner shall review the information in paragraph (e) at least once every
 361.7 ~~four months to determine if an individual who has been studied within the previous five~~
 361.8 ~~years.~~

361.9 ~~(1)~~ has new disciplinary action or sanction against the individual's license; or

361.10 ~~(2)~~ did not disclose a prior or current affiliation with a Minnesota licensing agency.

361.11 ~~(g)~~ If the commissioner's review in paragraph (f) identifies new information, the
 361.12 ~~commissioner shall provide any new information to the court.~~

361.13 Subd. 3. **Forms and systems.** ~~The court~~ In accordance with section 245C.033, subdivision
 361.14 3, the commissioner of human services must provide the ~~study subject~~ guardian or conservator
 361.15 with a privacy notice for the maltreatment and state licensing agency checks that complies
 361.16 with section 245C.05, subdivision 2c 13.04, subdivision 2. ~~The commissioner of human~~
 361.17 ~~services shall use the NETStudy 2.0 system to conduct a background study under this section;~~
 361.18 ~~The Bureau of Criminal Apprehension must provide the guardian or conservator with a~~
 361.19 ~~privacy notice for the criminal history check.~~

361.20 Subd. 4. **Rights.** The court shall notify the ~~subject of a background study~~ guardian or
 361.21 ~~conservator that the subject~~ has they have the following rights:

361.22 (1) the right to be informed that the court will request ~~a background study on the subject~~
 361.23 ~~maltreatment and state licensing~~ agency checks and a criminal history check on the guardian
 361.24 ~~or conservator for the purpose of determining whether the person's appointment or continued~~
 361.25 ~~appointment is in the best interests of the person subject to guardianship or conservatorship;~~

361.26 (2) the right to be informed of the results of the ~~study~~ checks and to obtain from the
 361.27 court a copy of the results; and

326.26 (3) the right to challenge the accuracy and completeness of information contained in the
326.27 results under section 13.04, subdivision 4, except to the extent precluded by section 256.045,
326.28 subdivision 3.

326.29 Sec. 47. **REPEALER.**

326.30 **(a) Minnesota Statutes 2022, sections 245C.02, subdivision 14b; 245C.031, subdivisions**
326.31 **5, 6, and 7; 245C.032; and 245C.30, subdivision 1a, are repealed.**

326.32 **(b) Minnesota Statutes 2022, section 245C.11, subdivision 3, is repealed.**

327.1 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2023, and paragraph (b) is
327.2 **effective April 28, 2025.**

361.28 (3) the right to challenge the accuracy and completeness of information contained in the
361.29 results under section 13.04, subdivision 4, except to the extent precluded by section 256.045,
361.30 subdivision 3.

362.1 Sec. 32. **REPEALER.**

362.2 **Minnesota Statutes 2022, sections 245C.02, subdivision 14b; 245C.031, subdivisions**
362.3 **5, 6, and 7; 245C.032; and 245C.30, subdivision 1a, are repealed.**
**SECTION 245C.11, SUBD. 3, IS ALSO REPEALED IN H0238-3 ARTICLE 1,
SECTION 38.**